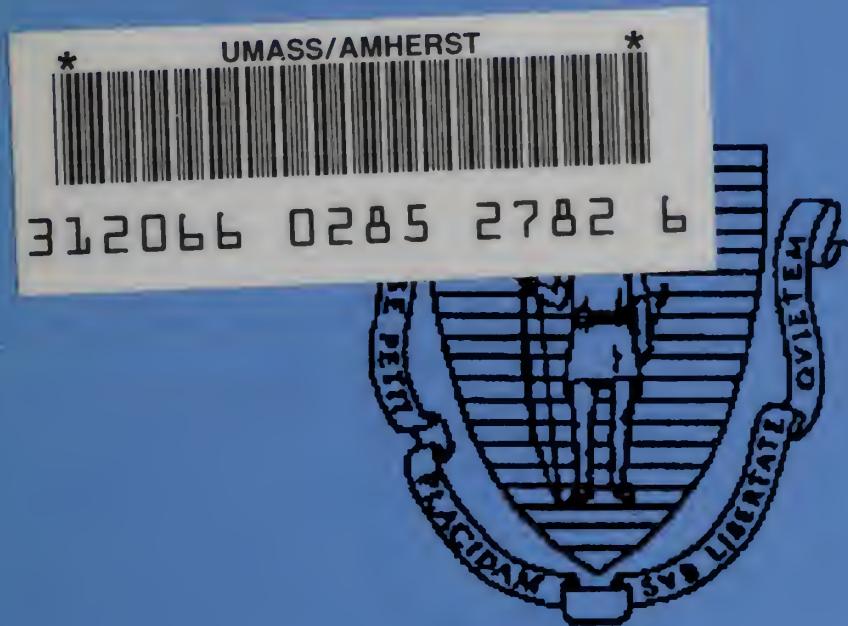


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Commonwealth of Massachusetts

Motor Vehicle Reference Handbook 2001 Edition



A. Paul Cellucci
Governor

Jane Swift
Lieutenant Governor

Jane Perlov
Secretary of Public Safety

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FOREWORD

The **MOTOR VEHICLE LAW HANDBOOK** is designed for law enforcement officers of the Commonwealth for a twofold purpose: (1) to be a study guide for the recruit police officer and, (2) to provide active police officers with a practical on the road ready reference.

The Handbook provides selected commonly utilized motor vehicle law, statutes/CMRs and their elements; for, it would not be possible to include all law on the subject. Officers are encouraged to refer to the actual statutes and case law to keep abreast of the state of the law at any given time.

Every effort has been made to offer a handbook that will serve the law enforcement community, as well as others who may have an interest in the information contained herein. All are encouraged to make recommendations to make it better.

The research for this edition was conducted by William M. Cloran, Esq. of Newton.

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ARRESTS, SUSPENSIONS AND REVOCATIONS

ARRESTS

A. Generally—Police officers may make arrests within their jurisdictions in the following situations:

1. Where the officer observes one committing a felony in the officers presence;
2. Where the officer has probable cause to believe that felony has been committed and that the person arrested committed the felony;
3. Where a misdemeanor has been committed in the officers presence that amounts to a breach of the peace or threatens a breach of the peace;
4. Where Massachusetts statutory law authorize police officers to make a warrantless arrest for misdemeanors committed in the officer's presence which do not amount to a breach of the peace;
5. Where there is a valid arrest warrant in effect.

NOTE: MGL Ch. 85 § 16 provides that: “Every person shall while driving or in charge of or occupying a vehicle during the period from one hour after sunset to one hour before sunrise, when requested by a police officer, give his true name and address.” This statute is a misdemeanor and a violation does **not** authorize an arrest; however, power of arrest may be made by officers subject to and pursuant to MGL Ch. 41 § 98

B. Motor Vehicle Situations—Police officers should understand that there may be authority to make a valid arrest under a number of theories arising out of a motor vehicle contact. Even if the underlying motor vehicle violation calling for the stop/contact may not be arrestable, other events may provide probable cause to arrest; i.e., the activity amounted to a breach of the peace committed in the officers presence or an arrestable crime is discovered subsequent to the lawful initial contact.

C. Statutory Right of Arrest Relating to the Use of Motor Vehicles. MGL Ch. 90 § 21 Arrest without a Warrant—

1. Violation of the first paragraph of section 10 if he were under 16 years of age; or, over 16 but not licensed by the Registrar of the Commonwealth; or a non-resident who is licensed under the law of another state or country and does not have his license on person or some easily accessible place. **Note:** 540 CMR 2.06(5) Commercial Motor Vehicle License (CDL). A person who operates a motor vehicle or combination of vehicles not included within the Class of license issued to him, or without required endorsements, or in violation of license restrictions, or who, while holding a learner's permit operates a motor vehicle in violation of the terms of such permit, or who exercises a CDL or CDL Learner's Permit in violation of an out-of-service order is deemed to be operating a motor vehicle without being duly licensed and is subject to the penalties for such offense as provided in MGL Ch. 90 and 90F, as provided in 49 CFR Part 383; and as provided in these regulations. **Note:** Burden to prove license is on driver. MGL Ch. 278 § 7 **In presence only**
2. Leaving the Scene of an Accident resulting in Personal Injury (MGL Ch. 90 § 24 (2)(a); **In presence only**
3. Operating Under the Influence (see MGL Ch. 90 § 24 (1) (a) (1) and MGL Ch. 94C § 1); **In presence or on probable cause**
4. Using a Motor Vehicle Without Authority (MGL Ch. 90 § 24 (2) (a); **In presence only**
5. Refuses to Submit to a Police Officer (MGL Ch. 90 § 25):
 - a) refuse to give name/address of operator and owner of vehicle.
 - b) giving a false name/address,
 - c) refuse to stop for a police officer when signaled,
 - d) refuse to produce license and registration to an officer and allow

him to inspect it in hand,

e) refuse to sign name for I.D. purposes. **In presence only**

6. Operating after Suspension/Revocation (MGL Ch. 90 § 23); In presence only

D. Statutory Right of Arrest— Speeding MGL Ch. 85 § 11

Speeding —“Whoever violates an ordinance or by-law prohibiting persons from riding or driving at a rate of speed inconsistent with public safety or convenience may be arrested without a warrant by an officer authorized to make arrests...” **In presence only**

E. Statutory Right of Arrest—Liquor purchase identification cards - MGL Ch. 138 § 34B - Arrest for violation of this section for one to transfer, alter, or deface any such card or license; or who makes, uses, carries, sells or distributes a false identification card or license, or uses the identification card or motor vehicle license of another, or furnishes false information in obtaining such card or license. (See also MGL Ch. 90 § 8H **In presence only**

F. Violation of Certificate of Title law - MGL Ch. 90D § 32(a)
“Whoever falsely makes, alters, forges, or counterfeits a certificate of title or salvage title; or alters or forges an assignment of title or salvage title, or supporting documents, or an assignment or release of a security interest on a certificate of title or a form the registrar prescribes; or has possession of or uses a certificate of title or salvage title, knowing it to have been altered, forged or counterfeited ... shall be punished by a fine of \$ 1000.00 or not more than 5 years in state prison or jail for not more than 2 years, or both.” May make a **felony arrest based upon probable cause. In presence or on probable cause**

G. Statutory Right of Arrest—Motor Vehicle/Trailer; defacement, etc., of identifying numbers MGL Ch. 266 § 139.**In presence or on probable cause**

H. Statutory Right of Arrest—Disposal of rubbish; if motor vehicle used, etc.; failure to give name and address or true name and address to P.O. MGL Ch. 270 § 16 for violation, sec. 16A for arrest. **In presence only**

SUSPENSIONS/REVOCATIONS

Inasmuch as the duration, conditions of, and motivation for license suspensions are so varied and subject to frequent change, there is no attempt here to accurately reflect specific lengths of time or conditions for suspensions. What is attempted here is to provide a statutory reference that an officer can turn to in order to review the current law on particular suspension provisions. Also, when the officer checks a violators record, one of the following violations on record may require further inquiry as to the status of violators license to operate. Following is a list of statutes specifically providing for some form of suspension/revocation of a drivers license and/or registration with comments/references where appropriate:

Selected Summary:

1. Three (3) Speeding Violations within one year - 30 day susp.
2. Five (5) Surchargeable events/accidents within three (3) years - 90 day susp. , Re-Training.
3. Seven (7) Surchargeable events/moving violations within 3 years - 60 day susp. Re-Training.
4. Habitual Traffic Offender - 3 major moving violations, or any combination 12 major or minor moving violations within four (4) years. - 4 year susp.
5. Out of State Suspension - your license suspended here until cleared in original state.
6. Operating a MV on suspended license - 60 days - 1 year susp.
7. Operating a MV w/o authority of owner - 1 - 3 years susp.
8. Leaving scene of accident - personal injury - 1 - 2 years susp.
9. Leaving scene of accident involving property damage - 60

day - 1 year susp.

10. Operating to Endanger - 60 day to 1 year suspension
11. Driving under the influence of alcohol or drugs - a) 1st is 1 year, b) 2nd is 2 years, c) 3rd is 8 years, d) 4th is 10 years, e) 5th is Lifetime, f) Motor vehicle homicide - 10 years to Lifetime.

Additional Chapters and Sections Triggering Suspensions

MGL Ch. 60A § 2A. Nonpayment of excise taxes; Registrar may suspend registration and operators license. See also 540 CMR 10.00 re hearing. See 540 CMR 9.00 re conduct of Hearing before Registry.

MGL Ch. 90 § 3. Non-resident; suspension/revocation for same reasons as for residents of Commonwealth.

MGL Ch. 90 § 5. May suspend/revoke for violation re general registrations/plates.

MGL Ch. 90 § 8A2. Operators of school buses; suspension. See also 540 CMR 2.15, licensing

MGL Ch. 90 § 14. Safety; School Bus: Second violation-suspension; students alighting

MGL Ch. 90 § 17B. Drag racing; suspension.

MGL Ch. 90 § 20. Upon 3rd or subsequent conviction in the same 12 month period of a violation of **sections 16 or 17** or a regulation made under section 18—suspension of at least 30 days. (Ch. 90 § 20)

MGL Ch. 90 § 22(a). Suspension/revocation of registration/license for violation of motor vehicle laws—if immediate threat to public.

MGL Ch. 90 § 22(b). Suspension/revocation of license of incompetent or Improperly operating.

MGL Ch. 90 § 22(c). Resident or any other licensee that has license suspended/revoke in another state or country; immediate revocation of Massachusetts license.

MGL Ch. 90 § 22(e). Suspension/revocation of license and registration for violation of MGL Ch. 138 § 34B (relates to

Liquor Identification cards and their abuse by false altering, transfer, making, furnishing false information, or distributing).

MGL Ch. 90 § 22(f). Suspension of license for violation of any provision of MGL Ch. 94C or adjudged a delinquent child by reason of having violated any provision of MGL Ch. 94C. See 540 CMR 20.00 for length of suspensions.

MGL Ch. 90 § 22(g). Suspension of license/registration for child support delinquency.

MGL Ch. 90 § 22(h). Registrar shall not issue, renew or reinstate a license to any person to whom a default or arrest warrant has issued and is outstanding.

MGL Ch. 90 § 22A. Suspension of license; unsatisfied judgment (debtor).

MGL Ch. 90 § 22B. Abandonment of motor vehicles (registered or unregistered); Suspension/revocation and non-renewal of license for.

MGL Ch. 90 § 22F. Habitual traffic offender; suspension; hearing.

MGL Ch. 90 § 23. Operation after suspension; additional suspension of license; suspension of registration.

MGL Ch. 90 § 24. (1)(b) Operating under; upon conviction; see also (c)(1), (c)(2), (c)(3), (c)(32), (3 3/4) and (4).

MGL Ch. 90 § 24. (1)(f)(1) and (2) Operating under; immediate confiscation of license by police; issue temporary license. (cut/destroy) see also 540 CMR 11.00 re hearings on suspension.

MGL Ch. 90 § 24B. Stealing, forging or other falsification of learner's permit, license, registration or inspections certificate; suspension.

MGL Ch. 90 § 24D. Probation of persons convicted of operating under; suspension of license; license to remain with Probation Officer.

MGL Ch. 90 § 24E. Failure to complete or comply with court ordered program; suspension/revocation.

MGL Ch. 90 § 24G. Homicide by motor vehicle; suspension/revocation.

MGL Ch. 90 § 24L. Serious bodily injury while operating under; suspension.

MGL Ch. 90 § 24N. Prosecutor can request court to suspend/revoke licenses; upon issuance of complaint; alcohol; hearing on suspension.

MGL Ch. 90 § 24P. Under age 21; operating under (reading of .02 or more) or refuse test; this suspension to be additional to any additional license suspension/revocation imposed by court as required by sections 24, 24G or 24L of chapter 90.

MGL Ch. 90 § 26. Failure to submit accident report; may suspend.

MGL Ch. 90 § 26A. Failure to notify registrar of change of address or name of operator, one with learners permit, registered owner of MV or trailer; within 30 days; may suspend/revoke for violation

MGL Ch. 90 § 27. Court report to Registrar may include recommendation of suspension/revocation of license/registration.

MGL Ch. 90 § 29. Fatal accidents; operator suspension forthwith unless no fault.

MGL Ch. 90 § 33. Suspension/revocation of license/registration; fees, bad checks.

MGL Ch. 90 § 34J. Operating a motor vehicle without insurance; suspension.

MGL Ch. 90 § 34H. Lack of insurance; revocation/suspension

MGL Ch. 90C § 3. Assessments, nonpayment; bad checks; suspension /revocation/non-renewal; license/registrations.

MGL Ch. 90D § 27. Certificate of Title; suspension/revocation

MGL Ch. 119A § 16. Non-payment of child support; suspension/revocation of license/registration.

MGL Ch. 138 § 34A. Minors; purchase or attempt to purchase alcoholic beverages; suspension

MGL Ch. 138 § 34C. Operation of motor vehicle containing alcoholic beverages by persons under age 21; suspension.

MGL Ch. 175 § 113B. Motor Vehicle Rating Board; receipt of notice of seven at fault accidents or convictions of moving

violations or motor vehicle law during three year period; suspension of licence for 60 days.

MGL Ch. 266 § 28. Theft of motor vehicle or trailer; receives, etc. same; steals parts therefrom; immediate revocation.

MGL Ch. 266 § 126A. Defacement of real or personal property; suspension of driver's license.

MGL Ch. 266 § 126B. Tagging; suspension of driver's license.

MGL Ch. 266 § 139. Motor vehicles or trailer; defacement etc. identifying numbers; revocation of drivers license.

MGL Ch. 270 § 16. Disposal of Rubbish on public hwy or w/ in 20 yards, or on property of another etc.; may suspend/revoke license/registration

NOTE: General penalty section and where no penalty provided, see MGL Ch. 90 § 20; Turnpike and tunnels see 730 CMR 3:08

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SECTION ONE
Abandonment of Motor Vehicles
MGL Ch. 90 § 22B

Definition:

Whoever abandons a motor vehicle registered or unregistered, upon any public or private way or upon any property other than his own without permission of the owner or lessee of said property.

Elements:

1. abandons
2. a motor vehicle, registered or unregistered
3. upon any public or private way or upon any property other than owner's without permission of the owner or lessee.

Penalty:

Misdemeanor Non-Criminal. Fine of \$250, 1st offense, \$500.00 for each thereafter and the registrar may revoke license for a period not exceeding 3 months; cannot register another vehicle for 1 year.

Accident, Leaving the Scene, Injury
MGL Ch. 90 § 24(2)(a2) (1)

Definition:

Whoever without stopping and making known his name, residence and registration number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any person.

Elements:

1. upon any way or in any place to which the public has a right to access, or any place to which members of the public have access as invitees or licensees
2. without stopping and making known his name, residence, and registration number of his motor vehicle
3. goes away
4. after knowingly colliding with or otherwise causing injury to any person
5. having operated
6. a motor vehicle

Penalty:

Misdemeanor. Imprisonment for not less than six months nor more than two years and by a fine of not less than \$500 nor more than \$2000.

Accident, Leaving the Scene, Death
MGL Ch. 90 § 24(2)(a2) (2)

Definition:

Whoever operates a motor vehicle upon any way or in any place to which the public has a right of access or upon any way or in any place to which members of the public shall have as invitees or licensees and without stopping and making known name, residence and registration number of his motor vehicle, goes away to avoid prosecution or evade apprehension after knowingly colliding with or otherwise causing injury to any person, if the injuries result in the death of a person.

Elements:

1. upon any way or in any place to which the public has a right to access, or any place to which members of the public have access as invitees or licensees
2. without stopping and making known his name, residence, and registration number of his motor vehicle
3. goes away
4. after knowingly colliding with or otherwise causing death to any person
5. having operated
6. a motor vehicle

Penalty:

Felony. State Prison for not less than 22 years nor more than ten years and by fine of not less than \$1000 nor more than five thousand dollars or by imprisonment for not less than one year nor more than 22 years and by fine of not less than \$1000 nor more than five thousand dollars.

Accident, Leaving the Scene, Property Damage
MGL Ch. 90 § 24(2)(a)

Definition:

Whoever without stopping and making known his name, residence, and registration number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any vehicle or property.

Elements:

1. whoever upon any way or in any place to which the public has a right to access, or any place to which members of the public have access as invitees or licensees
2. without stopping and making known his name, residence and registration number of his motor vehicle
3. goes away
4. after knowingly colliding with or otherwise causing injury to any other vehicle or property
5. having operated
6. a motor vehicle
7. upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees

Penalty:

Misdemeanor. Fine of not less than \$20.00 nor more than \$200.00 or by imprisonment of not less than two weeks nor more than two years or both.

Alcoholic Beverages, Transportation of, Person under 21.

MGL Ch. 138 § 34(c)
(see “TRANSPORTATION”)

Alcohol, Driving Under the Influence of

MGL Ch. 90 § 24(1)(a)
(see “DRIVING UNDER”)

Alcohol, Driving Under Influence of, Refusal to Take Test for
MGL Ch. 90 § 24(1)(f)
(see “DRIVING UNDER”)

Alcohol, Driving Under Influence of, Test for
MGL Ch. 90 § 24(1)(e)
(see “DRIVING UNDER”)

Arrest Without a Warrant
MGL Ch. 90 § 21

Any officer authorized to make arrests may arrest without a warrant and keep in custody for not more than twenty four hours, unless a Saturday, Sunday or holiday intervenes...

1. ...any person who, while operating a motor vehicle on any way.. violates the provisions of the first paragraph of section ten of chapter ninety (operation without license).
2. ...such ...operates a motor vehicle after his license or right to operate motor vehicles in this state has been suspended or revoked by the registrar
3. ...whoever the officer has probable cause to believe has operated or is operating a motor vehicle under the influence of intoxicating liquor, marihuana or narcotic drugs or depressant or stimulant substances
4.whoever uses a motor vehicle without authority knowing such use is unauthorized...
5. ...any person who, while operating or in charge of a motor vehicle, violates the provision of section twenty-five of chapter ninety (Refusal to Submit to a Police Officer)
6. ...whoever operates a motor vehicle and without stopping and making known his name, residence and registration number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any person.

**Breakdown Lanes, Illegal Use of
MGL Ch. 90 § 4B**

Definition:

Upon all ways the driver of a vehicle shall drive in the lane nearest the right side of the way when such lane is available for travel... When the right lane has been constructed or designated for purposes other than ordinary travel (emergency breakdown et al.) a driver shall drive his vehicle in the lane adjacent to the right lane...

Elements:

1. upon all ways
2. right lane constructed or designated for purposes other than ordinary travel (emergency breakdown et al.)
3. driver fails to use lane or lanes adjacent to the right of specially designated lane.

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

**Child Passenger Safety
MGL Ch. 90 § 7AA**

Definition:

No child under age five and no child weighing forty pounds or less shall ride as a passenger in a motor vehicle on any way unless such child is properly fastened and secured, according to the manufacturer's instructions, by a child passenger restraint as defined in section one.

No child who is five years of age or older, but not older than twelve years of age, shall ride as a passenger in a motor vehicle on any way unless such child is wearing a safety belt which is properly adjusted and fastened according to the manufacturer's instructions.

Exceptions:

The provisions of this section shall not apply to any such child who is:

- (1) riding as a passenger in a school bus;
- (2) riding as a passenger in a motor vehicle made before July first, nineteen hundred and sixty-six, that is not equipped with safety belts;

(3) physically unable to use either a conventional child passenger restraint or a child restraint specifically designed for children with special needs; provided, however, that such condition is duly certified in writing by a physician who shall state the nature of the disability as well as the reasons such restraints are inappropriate; provided, further, that no such certifying physician shall be subject to liability in a civil action for the issuance of or for the failure to issue such certificate.

Penalty:

Misdemeanor/Non-Criminal. Fine of \$25.00

**Crosswalk, Stopping in
MGL Ch. 89 § 11**

Definition:

When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a crosswalk marked in accordance with standards set by the department of highways if the pedestrian is on that half of the traveled part of the way on which the vehicle is traveling or if the pedestrian approaches from the opposite half of the traveled part of the way to within five feet of that half of the traveled part of the way on which said vehicle is traveling.

No driver of a vehicle shall pass any other vehicle which has stopped at a marked crosswalk to permit a pedestrian to cross, nor shall any such operator enter a marked crosswalk until there is sufficient space beyond the crosswalk to accommodate the vehicle he is operating, notwithstanding that a traffic control signal may indicate that vehicles may proceed.

Elements:

1. driver fails to yield
2. pedestrian in marked crosswalk or
3. driver passing vehicle
4. said vehicle stopped to allow pedestrian to cross

Penalty: Misdemeanor/Non-Criminal. Fine of up to \$100.00

Death, Driving Under the Influence of Alcohol

MGL Ch. 90 § 24G(a)

(see “HOMICIDE BY MOTOR VEHICLE, DRIVING
UNDER”)

Drag Racing

MGL Ch. 90 § 17B.

(see RACING ON PUBLIC WAY- MGL Ch. 90 § 24(2)(a)

Definition:

No person shall operate a motor vehicle, nor shall any owner of such vehicle permit it to be operated, in a manner where the owner or operator accelerates at a high rate of speed in competition with another operator, whether or not there is an agreement to race, causing increased noise from skidding tires and amplified noise from racing engines.

Elements:

1. no person shall operate a motor vehicle
2. nor shall an owner permit such vehicle to be operated
3. where the owner or operator accelerates a high rate of speed
4. in competition with another operator
5. whether or not by agreement to race
6. causing noise from skidding tires and
7. amplified noise from racing engines

Penalty:

Misdemeanor/Criminal. Not less than \$100 nor more than \$500. Suspension of not less than 30 days. Subsequent violations - not less than \$200 nor more than \$1,000. Suspension of not less than 60 days.

**Drinking From/Possessing Open Container of Alcohol in
Motor Vehicle**

MGL Ch. 90 § 24I

Definition: Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, possesses

an open container of alcoholic beverage in the passenger area of any motor vehicle.

As used in this section, the following words shall have the following meanings:

“Open container” any bottle, can or other receptacle used to contain a liquid that has been opened or has a broken seal, or the contents of which have been partially removed or consumed.

“Passenger area” the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in a seated position including, but not limited to, the glove compartment. But in a motor vehicle that is not equipped with a trunk, the passenger area shall not include a locked glove compartment, the area behind the last upright seat, or an area not normally occupied by the driver or a passenger.

Elements:

1. Upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees
2. possesses any open container of any alcoholic beverages
3. in the passenger area of a motor vehicle

NOTE: This section shall not apply to:

- (1) the passengers of a motor vehicle designed, maintained and used for the transportation of persons for compensation, or
- (2) the living quarters of a house coach or house trailer

Penalty: Misdemeanor/Non-Criminal. Fine of not less than \$100 nor more than \$500.

Driving in Right Lane, Failure to be
MGL Ch. 89 § 4B
(see “RIGHT LANE”)

Driving During Restricted Hours, Under 18
MGL Ch. 90 § 8
(see “RESTRICTED HOURS”)

**Driving in a Single Lane, Failure to be
MGL Ch. 89 § 4A
(see “SINGLE LANE”)**

**Driving So As to Endanger
MGL Ch. 90 § 24(2)(a)**

Note: Driving So As to Endanger is a separate and distinct violation from Reckless Driving (Also § 24 (2)(a))

Definition:

Whoever upon any way or in any place to which the public has right of access or any place to which members of the public have access as invitees or licensees, operates such a vehicle negligently so that the lives or safety of the public might be endangered

Elements:

1. operates
2. a motor vehicle
3. upon any way or in any place to which members of the public have right of access or any place to which members of the public have access as invitees or licensees
4. negligently so that lives or safety of the public might be endangered

Penalty:

Misdemeanor. Fine of not less than \$20.00 nor more than \$200.00 or by imprisonment of not less than two weeks nor more than two years or both.

**Driving Without a License
MGL Ch. 90 § 10**

Definition:

No person under sixteen years of age shall operate a motor vehicle upon any way. No other person shall so operate unless licensed by the registrar... no person shall operate on the ways of the Commonwealth if the registrar shall have suspended or revoked any license to operate motor vehicles...

Elements:

1. operates
2. a motor vehicle
3. upon anyway
4. without a license or if his license has been suspended or revoked
5. or under age 16

Exceptions:

1. a valid learner's permit
2. a member of the armed forces with a license from his state of domicile or a member of the armed forces with a license issued by said armed forces to operate...
3. spouse of a member of the armed forces of the United States who is accompanying such member on military or naval assignment to this Commonwealth and who has a valid license from another state
4. returning from active duty as member of the United States armed forces, returning from foreign duty and has ill possession license to operate in armed forces in foreign county (for not more than 45 days)
5. a non-resident who is duly licensed under the laws of the state from which the automobile is registered
6. non-residents with a valid out of state license where the state grants substantially similar privileges to residents of MA

Penalty:

Misdemeanor. Unlicensed - not less than \$100 nor more than \$200. (Ch. 90 § 20) Penalties for operating after suspension or revocation under this Section shall be the same as those provided for under Ch. 90 § 23.

Driving Under the Influence Drugs/Alcohol
MGL Ch. 90 § 24(1)(a)

Definition:

Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which the members have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic

drugs, depressants or stimulant substances, all as defined in Ch. 94C, or the vapors of glue.

Elements:

1. operates
2. a motor vehicle
3. upon any way or in any place to which the public has a right of access or upon any way or in any place to which members of the public have access as invitees or licensees
4. while under the influence of
 - a. intoxicating liquor or
 - b. marihuana or
 - c. narcotic drugs or
 - d. depressants or stimulant substances (as defined in Ch. 94C) or vapors of glue

***Penalty:*Misdemeanor**

First offense, a fine of not less than five hundred and not more than five thousand dollars and/or imprisonment of not more than 22 years. Enrollment in the Alcohol Education Program and license suspension one year. (after 3 mo. may apply for a limited hardship license)

Second offense, fine of not less than six hundred nor more than ten thousand dollars and/or imprisonment of not less than sixty days (mandatory) nor more than two and one half years and license suspension for two years.

***Penalty:*Felony (where 3rd offense committed within last 10 years)**

Third offense, fine of not less than one thousand nor more than fifteen thousand dollars and/or imprisonment for not less than one hundred and eighty days (mandatory) nor more than two years and one half or by such fine and by imprisonment in the state prison for not less than two and one-half years nor more than five years and license suspension for eight years.

***Penalty:*Felony (where 4th offense committed within last 10 years)**

Fourth offense, fine of not less than one thousand five hundred nor more than twenty-five thousand dollars and/or imprisonment of not less than two years (mandatory) and not more than two and one half; or by such fine and by imprisonment in state prison for not less than

two and one-half years nor more than five years; and license suspension for ten years.

Penalty: Felony (where 5th offense committed within last 10 years)

Fifth offense, fine of not less than two thousand nor more than fifty thousand dollars and imprisonment for not less than two and one-half years or by a fine of not less than two thousand nor more than fifty thousand dollars and by imprisonment in the state prison for not less than two and one-half years nor more than five years. See statute for additional provisions. Suspension for life on fifth conviction.

Driving Under the Influence of Drugs/Alcohol with Serious Bodily Injury (Felony)

MGL Ch. 90 § 24L(1)

Note: Reader should contrast this with driving under the influence with serious bodily injury type 2. The following crime, MGL Ch. 90, § 24L(1), is a felony. The crime immediately following this is MGL Ch. 90, § 24L(2) is a misdemeanor. The major difference is the felony branch requires the additional element of reckless or negligent operation.

Definition:

Whoever, upon any way or in any place to which members of the public have right of access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in section ninety-four C, or the vapor of glue, and so operates a motor vehicle recklessly or negligently so that lives of the public might be endangered, and by such operation so described causes serious bodily injury.

Elements:

1. operates
2. a motor vehicle
3. upon any way or in any place to which the public has a right of access or upon any way or in any place to which members of the public have access as invitees or licensees
4. while under the influence of:

- a. intoxicating liquor or
 - b. marihuana or
 - c. narcotic drugs or
 - d. depressants or stimulant substances
 - e. vapors of glue
5. is reckless or negligent
 6. causes serious bodily injury

Penalty:

Felony. Fine of not more than five thousand dollars and/or imprisonment for not less than two and one half years nor more than ten years in the state's prison or by not less than six months (mandatory) nor more than two and one half years in house of correction.

Driving Under the Influence of Drugs/Alcohol with Serious Bodily Injury (Misdemeanor)

MGL Ch. 90 § 24L (2)

Note: Reader should contrast this crime with driving under the influence with serious bodily injury type 1, immediately preceding this crime.

Definition:

Whoever, upon any way or in any place to which the public has a right of access or upon any way or in any place to which the public has a right of access as invitees or licensees operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C, or vapors of glue, and by such operation causes serious bodily Injury.

Elements:

1. operates
2. motor vehicle
3. upon any way or in any place to which the public has a right of access or upon any way or any place to which members of the public have access as invitees or licensees.
4. while under the influence of:

- a. Intoxicating liquor or
 - b. marihuana or
 - c. narcotic drugs or
 - d. depressants or stimulant substances
 - e. vapors of glue
5. causes serious bodily injury

Penalty:

Misdemeanor. Fine of not less than three thousand dollars and/or imprisonment for not more than two and one half years. Note: Section 24(L)(3) defines serious bodily injury as ... bodily injury which creates a substantial risk of death or which involves either total disability or the loss or substantial impairment of some bodily function for a substantial period of time.

Drunk Driving
MGL Ch. 90 § 24(1)(a)
(see "DRIVING UNDER")

Drugs, Driving Under the Influence of
MGL Ch. 90 § 24(l)(a)
(see "DRIVING UNDER")

Duty of occupants of MV at night to give name
MGL Ch. 85 § 16

Definition:

Every person shall while driving or in charge of or occupying a vehicle during the period from one hour after sunset to one hour before sunrise, when requested by a police officer, give his true name and address.

Penalty:

Misdemeanor. Fine of not more than \$5.00 see MGL Ch. 85 § 17. The driver or custodian of a vehicle shall be deemed to be the party responsible therefor and shall be liable to the foregoing penalty.

Failure to Stop, Stop Sign, Flashing Red Light, Slow for Yield
MGL Ch. 89 § 9

Definition:

Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk or the nearest side of the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across within the intersection or junction of the roadways.

The driver of a vehicle approaching a yield sign shall in obedience of such sign slow down to a speed reasonable for existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none than at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways.

Elements:

1. vehicle approaching a stop sign or flashing red signal indication
2. failure to stop at a clearly marked stop line or enters crosswalk on the near side of the intersection or the driver enters the intersecting roadway where the driver has no view of approaching traffic,

or

1. failure to yield or stop
2. with a vehicle in the intersection or approaching from another roadway,

or

1. driver approaching a yield sign
2. fails to slow to a reasonable speed or
3. stop if required

Penalty:

Misdemeanor/Non-Criminal. Fine of up to \$50.00

**Failure to Yield at Intersection, Rotary, Right and Left Turns
on Red Lights or Stop Signals**

MGL Ch. 89 § 8

Definition:

When two vehicles approach or enter an intersection of any ways... at approximately the same instant, the operator of the vehicle on the left shall yield the right of way...Any operator of a vehicle entering a rotary intersection shall yield the right of way to any vehicle already in the intersection. (The foregoing provisions do not apply when operator is directed to the contrary by a police officer or a lawful traffic regulating sign, device or signal) At any intersection on ways... in which vehicular traffic is facing a steady red indication in a traffic control signal, the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk or intersection or, if none, then at the entrance to the intersection in obedience of such red signal or stop sign may make a right turn or a left turn from a one-way street to another one way street but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection. (The foregoing provision may be prohibited by the city of town, provided that a signal prohibiting this practice is erected to give notice thereof.)

Elements:

1. two vehicles enter intersection at approximately the same time
2. vehicle on the left fails to yield right-of-way to vehicle on the right, **or**
3. vehicle approaching a rotary intersection
4. fails to yield right-of-way to vehicle traveling within the rotary
or

1. vehicle turning on red signal at intersection
2. fails to yield to pedestrians or other traffic

or

1. vehicle turning on red signal
2. city or town has sign prohibiting the practice posted at the intersection

Penalty:

Misdemeanor/Non-Criminal. Fine up to \$35

Garbage, Unlawful Disposal of
MGL Ch. 270 § 16

Definition:

Whoever places, throws, deposits, discharges or causes to be placed, thrown, deposited or discharged, any trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind on a public highway or within twenty yards thereof, or on any public land, or in or upon coastal or inland waters, as defined in section one of Chapter 131, respectively, or within twenty yards of any such water, or on the property of another.

Elements:

1. places, throws, deposits, discharges, or causes to be placed, thrown, deposited or discharged.
2. any trash, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind
3. on a public way or within twenty yards thereof or on any other public land or in or upon coastal or inland waters (as defined by Ch. 131 § 1) or within twenty yards of any such water or on property of another.

Exceptions:

1. Any official dumping ground approved by any public authority
2. Permission of the owner of the land to place refuse on his/her property

Penalty:

Misdemeanor. Fine of not more than \$3000.00 for first offense, not more than \$10,000.00 for subsequent offenses (court may require the defendant to remove material at his/her own expense). If a motor vehicle is used in committing such an offense the registrar may suspend the defendant's license and/or registration for not more than thirty days. May arrest if failure to provide or gives false name and address. See section 16A.

Garbage Barrels Along Highways, Restrictive Use
MGL Ch. 270 § 17

Definition:

Whoever disposes of household or commercial garbage or refuse by placing it in trash barrels placed on a public highway by the commonwealth, or by any political subdivision thereof for the convenience of the traveling public.

Elements:

1. disposes
2. household or commercial refuse
3. placed in trash barrels placed on a public highway by the commonwealth or any political subdivision thereof
4. for the convenience of the traveling public

Penalty:

Misdemeanor. Fine of not less than \$200.00

Headphones While Operating Vehicle
MGL Ch. 90 § 13
(see "INTERFERENCE WITH OPERATION")

Homicide by Motor Vehicle
MGL Ch. 90 § 24(G)(b) (Misdemeanor)

Note: Reader should contrast this with homicide by motor vehicle under the influence of intoxicating substance (below felony). Under MGL Ch. 90 § 24(b) (above is a misdemeanor) the violator must be

operating under the influence **or** recklessly **or** negligently - any one of the three. Under MGL Ch. 90 § 24(a) (below) the violator must be operating under the influence **and** operating negligently so as to endanger

Definition:

Whoever, upon any way or in any place to which the public has a right of access or any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter 94C, or the vapors of glue or whoever operates a motor vehicle recklessly or negligently so that the lives or safety of the public is endangered and such operation causes the death of another person, shall be guilty of homicide by a motor vehicle.

Elements:

1. upon any way in any place to which the public has a right of access or in any place to which members of the public have access as invitees or licensees
2. operates
3. a motor vehicle
4. while under the influence of intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances as defined in section one of Chapter 94C, or vapors of glue
or
 1. upon any way or in any place to which the public access or upon any way or in any place to which members of the public have access as invitees or licensees
 2. operates
 3. motor vehicle
 4. recklessly or negligently so that the lives or safety of the public might be endangered
 5. and by any such operation causes the death of another

Penalty:

Misdemeanor. Imprisonment for not less than thirty days nor more than two and one half years and/or by a fine of not less than three

hundred nor more than three thousand dollars, or both

Homicide by Motor Vehicle While Under the Influence of Intoxicating Substance

MGL Ch. 90 § 24G(a) (Felony)

(reader should contrast this with homicide by motor vehicle (M)
MGL Ch. 90 § 24G(b) immediately preceding)

Definition:

Whoever, upon any way or in any place to which the public has a right of access, or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter 94C, or the vapors of glue, and so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered and by any such operation so described causes the death of another person shall be guilty of homicide by a motor vehicle under the influence of intoxicating substance.

Elements:

1. upon any way or in any place to which the public has a right of or upon any way or in any place to which members of the public have access as invitees or licensees
2. operates
3. a motor vehicle
4. while under the influence of liquors, or of marihuana, narcotic drugs depressants or stimulant, all as defined in section one of chapter 94C, or the vapors of glue
and
5. so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered
and
6. by any such operation so described causes the death of any person.

Penalty:

Felony. Imprisonment in state prison for not less than two and one

half years nor more than fifteen years and a fine or not more than \$5,000 or by imprisonment in a jail or house of correction for not less than one year nor more than two and one half years and a fine of not more than \$5,000. (The sentence shall not be reduced to less than one year by suspension, parole, probation or furlough)

Implied Consent Law
MGL Ch. 90 § 24(1)(f)(1)

Definition:

Whoever operates a motor vehicle upon any way or in any place to which the public has right of access, or upon any way or in any place to which the public have right of access as invitees or licensees, shall be deemed to have consented to submit to a chemical test or analysis of his breath or blood in the event that he is arrested for operating a motor vehicle while under the influence of intoxicating liquor. (Refusal)

Elements:

1. under arrest for operating under the influence of liquor
2. refuses to submit to chemical test or analysis of breath or blood.
3. after having been informed that his license or permit to operate a motor vehicle would be suspended.

Penalty:

License suspension for one hundred and twenty days. Officer shall seize drivers license or permit, provide notice of intent to suspend and provide temporary permit, with some exceptions.

Hours, Restricted, Under 18 Driving During
MGL Ch. 90 § 8
(see “RESTRICTED HOURS”)

Inspection Sticker, Lack of, Invalid
MGL Ch. 90 § 7A

Definition:

The registrar shall include, in the rules and regulations proposed by

him under section thirty-one, rules and regulations providing for periodic inspection ... such rules and regulations may provide for the issuance of a windshield sticker, so called, to the owner or person in control of every motor vehicle and for the display of such sticker on the windshield of each so inspected ...

Elements:

1. motor vehicle
2. upon any way
3. operating, pushes, draws or tows or permits to be operated, drawn or towed
4. without a valid inspection sticker

Note: Also covers emission inspections.

Penalty:

Misdemeanor/Non-Criminal. Fine- a) operating after failing inspect, \$25; b) no inspect. sticker/not having vehicle inspect, \$50.00; c) no inspection sticker/not have vehicle inspected, \$50.

***Insurance, Operating Without
MGL Ch. 90 § 34J***

Definition:

Whoever operates or permits to be operated or permits to remain on a public or private way a motor vehicle which is subject to the provision of section 1A of this chapter (registration of motor vehicles) during such time as the motor vehicle liability policy or bond or deposit required by the provisions of this chapter has not been provided and maintained in accordance therewith.

Elements:

1. operates or permits to be operated
2. a motor vehicle subject to chapter 90, section 1A (registration of motor vehicles)
3. during such time as the motor vehicle liability policy or bond or deposit required by the provisions of chapter 90 have not been maintained in accordance therewith.

Exceptions:

1. any person who operates a motor vehicle leased under any

system referred to in section 32C (drive-it-yourself type vehicles, leased cars, etc.) without knowledge that the lessor has not complied with the provisions of section. 32E (requirement of lessor to insure vehicle) relative to providing indemnity, protection or security for property damage.

Penalty:

Misdemeanor. Imprisonment in house of correction for not more than one year and/or a fine of not less than \$500.00 nor more than \$5,000.00.

Interference With Operation

MGL Ch. 90 § 13

Definition:

No person, when operating a motor vehicle, shall permit to be on or in the vehicle or on or about his person anything which may interfere with or impede the proper operation of the vehicle or any equipment by which the vehicle is operated or controlled, except that a person may operate a motor vehicle while using a citizens band radio or mobile telephone as long as one hand remains on the wheel at all times... No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating a motor vehicle... No person shall operate a motor vehicle while wearing headphones, unless said headphones are used for communication in connection with controlling the course of movement of said vehicle.

Elements:

1. operates
2. motor vehicle
3. while anything interferes with or impedes the proper operation of the vehicle or any equipment

Exceptions:

1. citizens band radios*
2. mobile telephones*

*as long as one hand remains on the steering wheel at all times

or

Elements:

1. operates
2. motor vehicle
3. equipped with television viewer, screen or other means of receiving television broadcast
4. said equipment is located at any point forward of the backseat or said equipment is visible to the driver while operating the motor vehicle

or

Elements:

1. operates
2. motor vehicle
3. while using a headphone (see exceptions below)

Exception:

1. Headphones are used in connection with controlling the course or movement of said vehicle. *

*as long as one hand remains on the steering wheel at all times

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$35.00 for the 1st offense, not less than \$35.00 nor more than \$75.00 for the 2nd offense, not less than \$75.00 nor more than \$150.00 for the 3rd offense during a 12 month period.

Intersection, Right of Way (see “FAILURE TO YIELD”)

MGL Ch. 89 § 8

Junior Operators License
MGL Ch. 90 § 8

Definition:

A junior operator's license may, under the rules and regulations established by the registrar, be issued to a minor under 18 years of age who has:

- (a) held a valid learner's permit issued pursuant to section 8B or a similar law of another state for a period of not less than six months immediately preceding the date of application for a junior operator's license under this section and, during such period, has maintained a driving record free of any surchargeable incidents, as described in section 113B of chapter 175 or a similar law of another state and has not had such permit suspended under section 24P or a similar law of another state and has not been convicted of violating any alcohol-related or drug-related law of the commonwealth or a similar alcohol-related or drug-related law of any other state. For the purposes of this section, an alternative disposition of a violation including, but not limited to, having such violation continued without a finding or placed on file shall be deemed to be a conviction. Nothing in this section shall be construed to affect any penalty, fine, suspension, revocation or requirement that may be imposed under any other law of the commonwealth;
- (b) attained the age of 16 and one-half years;
- (c) successfully completed a driver education and training course approved by the registrar and presented a certified statement from a parent or guardian or designee over the age of 21 that the applicant has completed not less than 12 hours of supervised driving in addition to the requirements of said driver education and training course;
- (d) successfully completed such examination and driving test as the registrar may require; and
- (e) submitted an application on a form furnished by the registrar, signed by both the applicant and a parent or guardian, along with

the fee provided in section 33.

No person holding a junior operator's license shall operate a motor vehicle during the first six months of licensure while a person under 18 years of age, other than the operator or an immediate family member of the operator, is present in such vehicle unless also accompanied by an operator, duly licensed by his state of residence, who is 21 years of age or over, who has had at least one year of driving experience and who is occupying a seat beside the driver and any such junior operator who violates the passenger restriction provided herein shall have such junior operator's license suspended for a period of 30 days for a first offense, for a period of 60 days for a second offense and for a period of 90 days for a third or subsequent offense; provided, however, that such suspension shall be imposed in addition to any other penalty, fine, suspension, revocation or requirement that may be imposed for such violation. The six-month passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license.

No person holding a junior operator's license shall operate a motor vehicle between the hours of 12:00 a.m. and 5:00 a.m. unless accompanied by a parent or legal guardian. The holder of a junior operator's license shall have such license in his possession at all times when operating a motor vehicle and any such operator who violates the time restriction provided herein shall be deemed to be operating a motor vehicle without being duly licensed under this chapter; provided, however, that for such operation between the hours of 12:00 a.m. and 1:00 a.m. and between 4:00 a.m. and 5:00 a.m., the provisions of this paragraph shall be enforced by law enforcement agencies only when a junior operator of a motor vehicle has been lawfully stopped for a violation of the motor vehicle laws or some other offense.

No person holding a junior operator's license shall operate a vehicle requiring a commercial driver's license issued under chapter 90F.

Lane Changes, Unsafe
MGL Ch. 89 § 4A
(see "UNSAFE")

Larceny of Motor Vehicle or Trailer
MGL Ch. 266 § 28(a)

Definition:

Whoever steals, buys, receives, possesses, conceals or obtains control, or maliciously damages a motor vehicle or trailer, knowing or having reason to know the same to have been stolen, or whoever takes a motor vehicle without the authority of the owner and steals from it any of its parts...

Elements:

1. taking
2. motor vehicle or trailer
3. with intent to permanently deprive

or

1. buys, receives, possesses, conceals or obtains control of
2. a motor vehicle or trailer
3. knowing or having a reason to know the motor vehicle or trailer to have been stolen

or

1. taking
2. a motor vehicle
3. without the authority of the owner
4. and steals from it any of its parts or accessories

or

1. maliciously damages
2. a motor vehicle or trailer

Penalty:

Felony. Imprisonment in the state prison for not more than fifteen years or by imprisonment in jail or house of correction for not more than two and a half years and/or a fine of not more than ten thousand dollars

Learner's Permits/Hours

MGL Ch. 90 § 8B

Definition:

(Auto) - any person who is at least sixteen years of age, excepting persons who have been licensed and whose licenses are not in force due to revocation or suspension - may apply for a learner's permit ... after the applicant has successfully passed all parts of the examination other than the driving test, (the registrar) may issue to the applicant a learner's permit which shall entitle him, while having such permit in his immediate possession, to drive a motor vehicle upon any way when accompanied by an operator, licensed by his state of residence, who is eighteen years of age or older, who has at least one year of driving experience or who is a parent of the applicant and (the parent) is on active duty in the armed forces of the U.S. on assignment in the Commonwealth and has a valid license from the state of his domicile and who is occupying the seat beside the driver If the applicant is under eighteen years of age, said learner's permit will not entitle him to operate a motor vehicle between the hours of one o'clock a.m. and five o' clock a.m. unless he is accompanied by his parent or legal guardian who is a licensed operator with at least one year experience and whose license or right to operate is not revoked or suspended.

(Motorcycle) - the learner's permit shall not entitle him to carry any passenger while operating such motorcycle upon any way or to operate a motorcycle upon any way anytime after sunset or before sunrise.

Elements:

1. operates
2. motor vehicle
3. upon any way
4. without a valid learner's permit (see Driving without license)
or
1. operates
2. motor vehicle
3. upon any way
4. with a valid learner's permit

5. without the accompaniment of an operator licensed by his state of residence, who is at least eighteen years of age and with at least one year of driving experience or the parent of the applicant who is on active duty in the armed forces of the U.S. on assignment in the Commonwealth with a valid driver's license from his state of domicile and/or said person is beside the driver
or

1. operates
2. motor vehicle
3. upon any way
4. operator is under 18 years of age
5. time is between one o'clock a.m. and five o'clock a.m. (see "RESTRICTED HOURS")

or

1. operates
2. motorcycle
3. upon any way
4. with a valid learner's permit
5. carrying a passenger

or

1. operates
2. motorcycle
3. upon any way
4. with a valid learner's permit
5. after sunset and before sunrise

Penalty:

Misdemeanor/Non-Criminal. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

Leaving the Scene of an Accident, Injury
MGL Ch. 90 § 24(2)(a); and (b) property damage
(see "ACCIDENT")

Left Turn, Improper
MGL Ch. 90 § 14

Definition:

When approaching for a left hand turn on a two-way street, an operator shall do so in the lane of traffic to the right of and the nearest to the center line of the roadway and the left turn shall be made by passing to the right of the center line of the entering way where it enters the intersection from his left. When tuning left within an intersection or into an alley, private road or driveway an operator shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. When approaching for a left turn on a one-way street, an operator shall do so in the lane of traffic nearest to the left hand side of the roadway, and as close as practicable to the left hand curb or edge of roadway.

Elements:

1. operating
2. motor vehicle
3. approaching left hand turn on a two way street
4. operator fails to turn from the lane to the right of and nearest to the center line of roadway and/or
5. the left turn is not made by passing to the right of the center line of the entering way where it enters the intersection from the left.

or

1. operating
2. motor vehicle
3. turning left within an intersection or into an alley, private road or driveway
4. operator fails to yield to any vehicle approaching from the opposite direction which is within the intersection or so dose as to constitute an immediate hazard.

or

1. operates

2. motor vehicle
3. approaching a left turn on a one-way street
4. operator fails to turn from the lane of traffic nearest the left hand side of the roadway and as close as practicable to the left hand curb or edge of roadway.

Penalty:

Misdemeanor/Non-Criminal. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

**License, Driving Without a
MGL Ch. 90 § 10
(see “DRIVING WITHOUT...”)**

**License, Not In Possession
MGL Ch. 90 § 11
(see “REGISTRATION OR LICENSE...”)**

Motorcycle, Protective Headgear

MGL Ch. 90 § 7

Definition:

Every person operating a motorcycle or riding as a passenger on a motorcycle or in a sidecar attached to a motorcycle shall wear protective headgear ..., and no person operating ... shall permit any other person to ride as a passenger ... without such headgear.

Elements:

1. operates, pushes, draws or tows or permits to be operated, pushed, drawn or towed
2. a motorcycle operator or passenger
3. upon any way
4. without protective headgear
or
5. operator allowing passenger to be without

Penalty:

Misdemeanor/Non-Criminal. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

Motorcycle, Travel/Passing
MGL Ch. 89 § 4A

Definition:

The operators of motorcycles shall ride no more than two abreast, and shall ride single file when passing, except another motorcycle.

Elements:

1. operates
2. motorcycle
3. upon any way
4. more than two abreast

or

1. operates
2. motorcycle
3. upon any way
4. not in single file
5. while passing, unless another motorcycle.

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$100.00.

Motorcycle Wind/Face Shield
MGL Ch. 90 § 7

Definition:

If a motorcycle is not equipped with a windshield or screen, the operator of such motorcycle shall wear eye glasses, goggles or a protective face shield when operating such vehicle.

Elements:

1. operates, pushes, draws or tows or permits to be operated, pushed, drawn or towed
2. a motorcycle

3. upon any way
4. without a windshield or screen and the operator does not wear eye glasses, goggles or protective face shield.

Penalty:

Misdemeanor/Non-Criminal. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

Motor Vehicle Homicide

MGL Ch. 90 § 24G(b)
(see "HOMICIDE")

Motor Vehicle, Unregistered

MGL Ch. 90 § 9

Definition:

No person shall operate, push, draw or tow any motor vehicle or trailer, and the owner or custodian of such vehicle shall not permit the same to be operated, drawn, or towed upon or remain upon any way except as authorized by section three, unless such vehicle is registered in accordance with this chapter and carries its register number displayed.

Elements:

1. operates, pushes, draws or tows or permits to be operated, pushed, drawn or towed
2. a motor vehicle or trailer
3. upon any way
4. not registered in accordance with Chapter 90

Exceptions:

1. Trailer, trailer or truck (used exclusively for agricultural purposes - half mile limit, or between one-half mile and two miles if said tractor, trailer or truck is used exclusively for agricultural purposes and owner has liability insurance; or used for exclusively industrial purpose - 300 yard limit and only to go from property owned or occupied by vehicle owner to other

property owned or occupied by vehicle owner)

2. A new car may be unloaded from carrying truck on public way by a driver to car dealer's lot

3. A motor vehicle designed for carrying golf clubs and not more than 4 people

4. A motor vehicle owned by a cemetery (if used for going from one part of property to another part of cemetery).

5. earth-moving vehicles used exclusively for building, repair and maintenance of highways (300 yard limit)

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$100.00 for the first offense, and not more than \$1,000.00 for each subsequent offense.

**Motorist Aid Call Box, False Calls from or Tampering with
MGL Ch. 268 § 32**

Definition:

Whoever opens a motorist highway emergency aid call box on any state highway connected with a highway emergency signal system for the purpose of giving or causing to be given a false call for aid, or interferes in any way with such box, by breaking, cutting, injuring or defacing the same, or, without authority, opens, tampers or meddles with such box, or with any part or parts thereof, or with anything connected therewith, or, with such purpose, wantonly and without cause tampers or meddles with a motorist highway emergency aid call box or with any part or thing connected therewith.

Elements:

1. opens

2. motorist highway emergency aid call box

3. on any state highway connected with a highway emergency signal system

4. for the purpose of giving or causing to be given a false alarm.

or

1. interferes

2. motorist highway emergency aid call box

3. by breaking, cutting, injuring or defacing (the box)
or
 1. without authority
 2. opens, tampers or meddles or with such purpose, wantonly and without cause tampers or meddles with
 3. a motorist highway emergency aid call box or with any part or parts thereof, or with anything connected therewith.

Penalty:

Misdemeanor. Fine of not less than \$100.00 nor more than \$500.00.

Muffler, Illegal
MGL Ch. 90 § 16

Definition:

No person shall operate a motor vehicle nor shall any owner of such vehicle permit it to be operated on any way... unless such motor vehicle is equipped with a muffler to prevent excessive or unnecessary noise, which muffler is in good working order and in consistent operation, and complies with such minimum standards for construction and performance as the registrar may prescribe. No person shall use a muffler cut-out or by-pass. No person shall operate a motor-vehicle on any way which motor vehicle is equipped (1) with a muffler from which the baffle plates, screens or other internal parts have been removed and replaced (2) with an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the exhaust.

Elements:

1. motor vehicle
2. operates
3. upon any way
4. fails to be equipped with a muffler to prevent excessive or unnecessary noise (exception: fire department and fire patrol apparatus)

or

1. motor vehicle
2. operates

3. upon any way
4. and uses a muffler cut-out or by-pass and/or is equipped with muffler from which the baffle plates, screens or other internal arts have been removed and not replaced.

or

1. motor vehicle
2. operates
3. upon any way
4. with an exhaust system which has been modified which will amplify or increase the noise emitted by exhaust.

Penalty:

Misdemeanor/Non-Criminal. Fine not less than \$20.00 nor more than \$100.00. (A complaint against a person for a violation of this section may be placed on file at the court if the violation appears to be unintentional ... upon a third subsequent offense within a 12 month period the registrar shall revoke the violator's license for 30 days.) (MGL Ch. 90 § 20)

Noise from Vehicle, Illegal
MGL Ch. 90 § 16

Definition:

No person operating a motor vehicle shall sound a bell, horn or other device, nor in any manner operate such motor vehicle so as to make a harsh, objectionable or unreasonable noise.

Elements:

1. operates
2. motor vehicle
3. upon a way
4. sounds a bell, horn or other device nor in any manner operate a motor vehicle so as to make a harsh, objectionable or unreasonable noise

Penalty:

Misdemeanor/Non-Criminal. Fine of not less than \$20.00 nor more than \$100.00. (A complaint against a person upon violation of this section on file at the discretion of the court if the violation appears

to be unintentional upon 3rd subsequent offense within a 12 month period, registrar shall revoke the violator's license for 30 days)

Number Plate Concealment/Transfer

MGL Ch. 90 § 23

Definition:

Any person who attaches or permits to be attached to a motor vehicle or trailer a number plate assigned to another motor vehicle or trailer, or who obscures or permits to be obscured the figures on any number plate attached to a motor vehicle or trailer or who fails to display on a motor vehicle or trailer the number plate and the register number duly issued therefor, with intent to conceal the identify of such motor vehicle or trailer.

Elements:

1. attaches or permits to be attached
2. to a motor vehicle or trailer
3. a number plate assigned to another motor vehicle or trailer
4. with intent to conceal the identity of such motor vehicle or trailer

or

1. obscures or permits to be obscured
2. the figures on any number plate attached to
3. any motor vehicle or trailer
4. with intent to conceal the identity of such motor vehicle or trailer

or

1. fails to display
2. on a motor vehicle or trailer
3. the number plate and the register number duly issued therefor
4. with intent to conceal the identity of such motor vehicle or trailer

Penalty:

Misdemeanor. Fine of not more than \$100.00 or by imprisonment for 10 days or both

Open Container, Drinking from
MGL Ch. 90 § 24I
(see “DRINKING”)

**Operation After Revocation/Suspension of licenses/
registration**

MGL Ch. 90 § 23

**(See REVOCATION/SUSPENSION OF LICENSES,
OPERATION AFTER)**

Passing of Motor Vehicle
MGL Ch. 89 § 2

Definition:

Except as herein otherwise provided, the driver of a vehicle passing another vehicle traveling in the same direction shall drive a safe distance to the left of such other vehicle; and, if the way is of sufficient width for two vehicles to pass, the driver of the leading shall not unnecessarily obstruct the other. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on the audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. The driver of vehicle may, if the roadway is free from obstruction and of sufficient width for two or more vehicles of moving vehicles, overtake and pass upon the right of another vehicle when the vehicle being overtaken is a) making or about to make a left turn, b) upon a one way street, or c) upon any roadway or which traffic is restricted to one direction of movement.

Elements:

1. driver of vehicle passing another
2. traveling in same direction
3. drives safe distance, to the left of such other vehicle

or

1. vehicle passing another
2. in same direction
3. sufficient width for the two vehicles to pass

4. driver of leading vehicle unnecessarily obstructs the other or
 1. vehicle passing another
 2. in the same direction
 3. overtaken vehicle fails to give right of way in favor of the overtaking vehicle on audible signal or should not increase the speed of his vehicle until completely passed by the overtaking vehicle

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$100.00

Pedestrians in Crosswalk, Failure to Yield

MGL Ch. 89 § 11
(see “CROSSWALK”)

Police Officer, Failure to Obey

MGL Ch. 90 § 25

Definition:

Any person who, while operating or in charge of a motor vehicle, shall refuse, when requested by a police officer, to give his name and address or the name and address of the owner of such motor vehicle or who shall give a false name or address, or who shall refuse or neglect to stop when signaled to stop by any police officer who is in uniform or displays his badge conspicuously on the outside of his outer coat or garment, or who refuses, on demand of such officer, to produce his license to operate such vehicle or his certificate or registration, or to permit such officer to take the license or certificate in hand for the purpose of examination, or refuses, on demand of such officer, to sign his name in the presence of such officer, and any person who on demand of an officer of the police or other officer mentioned in section twenty-nine or authorized by the registrar... or fails to give to such officers the license to operate or certificate of registration owned by him.

Elements:

1. while operating or in charge of a motor vehicle

2. refuses when requested by a police officer
3. to give his name and address or the name and address of the owner of the vehicle

or

1. while operating or in charge of a motor vehicle
2. when requested by a police officer
3. to give his name and address or the name and address of the owner of the vehicle
4. give a false name or address

or

1. refuses or neglects to stop
2. when signaled to stop by any police officer
3. who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment

or

1. refuses
2. on demand of any police officer
3. who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment
4. to produce his license to operate such vehicle or his certificate of registration or to permit such officer to take the license or certificate of registration in hand for the purpose of examination

or

1. refuses
2. on demand of any police officer
3. who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment
4. to sign his name in the presence of such officer

or

1. refuses
2. or demand of any police officer
3. who is in uniform or who displays his badge conspicuously on the outside of his outer coat garment
4. to sign his name in the presence of such officer

Penalty:

Misdemeanor. Fine of \$100.00.

Related Statute:

Resisting Arrest, MGL Ch. 268 § 32B

Driver/occupant to give police name and address at night. Ch. 85 § 16

Pollution Control Device
MGL Ch. 90 § 7O

Definition:

No person shall remove or render inoperative, except temporarily for maintenance purposes, any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under the National Emission Standards Act, unless such device or element is to be replaced by or modified by another device or element, approved by the registrar, the installation of which will result in reduction of pollution emission.

Elements:

1. operates, pushes, draws or tows or permits to be operated, pushed, drawn or towed
2. a motor vehicle
3. upon any way
4. removes or renders inoperative any device or element installed on or in a motor vehicle or motor vehicle or motor vehicle engine in compliance with regulations of National Emissions Standards Act

Penalty:

Misdemeanor. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

Pollution, Excessive Amounts from Motor Vehicle

MGL Ch. 90 § 16
(see "SMOKE")

Racing on a Public Way

MGL Ch. 90 § 24(2)(a)

(see DRAG RACING; MGL Ch. 90 § 17B)

Definition:

Whoever upon any way or in any place to which the public has a right of access or any place to which members of the public have access as invitees or licensees ... or upon a bet or wager or in a race, or whoever operates a motor vehicle for the purpose of making a record and thereby violates any provisions of section 17 or any regulation under section 18 (speed regulation).

Elements:

1. operates
2. a motor vehicle
3. upon any way or in any place the public has a right of access, or in any place to which the public has right of access as licensees or invitees
4. upon a bet or wager or in a race for the purpose of making a record thereby violates any provisions of § 17 or § 18 (speed regulations)

Penalty:

Misdemeanor. Fine of not less than \$20.00 nor more than \$200.00 or by imprisonment for not less than two weeks nor more than two years or both

Reckless Driving

MGL Ch. 90 § 24(2)(a)

Reckless Driving is a separate and distinct violation from Driving to Endanger (also section 24(2)(a))

Definition:

Whoever upon any way or in any place to which the public has a right of access or any place to which the public has a right of access as invitees or licensees, operates a motor vehicle recklessly

Elements:

1. operates
2. motor vehicle
3. upon any way or in any place to which the public has a right

of access or to which members of the public have right of access as invitees or licensees

4. recklessly

Penalties:

Misdemeanor. Fine of not less than \$20.00 nor more than \$200.00 or by imprisonment for not less than two weeks nor more than two years or both

Red light, Failure to Stop

MGL Ch. 89 § 9

(see "TRAFFIC CONTROL")

Refusal to Submit to Police Officer

MGL Ch. 90 § 25

(see "POLICE OFFICER, FAILURE TO OBEY")

Registration or License, Certificate of in Possession/

Exhibition of

MGL Ch. 90 § 11

Definition:

Every person operating a motor vehicle shall have the certificate of registration for the vehicle and for the trailer, if any, and his license to operate upon his person or in the vehicle, in some easily accessible place... Any operator who knowingly collides with or causes injury to any person or damage to any property shall, upon the request of the person injured or the person owning or in charge of property damaged, plainly exhibit to such person his license and if required under the provisions of this chapter to carry the certificate of registration for the vehicle upon his person or in the vehicle, such certificate.

Elements:

1. operates
2. motor vehicle
3. does not have certificate of registration for such motor vehicle or trailer or does not have his license to operate
4. either upon his vehicle or in the vehicle in some easily accessible place

or

1. operator
2. knowingly collides with or causes injury to any person or damage to any property
3. after request of the person injured or the person owning or in charge of the property damaged
4. fails to plainly exhibit to such person his license and, if he is required to carry, the certificate of registration.

Penalty:

Misdemeanor/Non-Criminal. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

**Restricted Hours, Operator 18 Driving During
MGL Ch. 90 § 8**

Definition:

A junior operator's license may, under rules and regulations established by the registrar... Such license shall not entitle a licensee under eighteen years of age to operate a motor vehicle between the hours of one and four a.m. unless accompanied by a parent or legal guardian ... who operates a motor vehicle shall be deemed to be operating a motor vehicle without being duly licensed..

Elements:

1. operates
2. between the hours of one and four a.m.
3. motor vehicle
4. upon any way
5. under the age of eighteen
6. without the accompaniment of a parent or legal guardian

Penalties:

Misdemeanor/Non-Criminal. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

**Revocation/Suspension of licenses, Operation After
MGL Ch. 90 § 23**

Definition:

Any person convicted of operating a motor vehicle after his license to operate has been suspended or revoked, or after notice of the suspension or revocation of his right to operate a motor vehicle without a license has been issued by the registrar and received by such person or by his agent or employer, and prior to the restoration of such license or right to operate or the issuance to him of a new license to operate.

Elements:

1. operates
2. a motor vehicle
3. after his license to operate has been suspended or revoked or after notice of suspension or revocation of his right to operate a motor vehicle without a license has been issued by the registrar and received by such person or his agent or employer
4. and prior to the restoration or such license or right to operate or to the issuance to him a new license to operate

Penalty:

Misdemeanor. First offense, fine of not less than \$500.00 nor more than \$1000.00 or by imprisonment for not more than 10 days or both, and for any subsequent offence by imprisonment for not less than sixty days nor more than one year. If revoked due to be declared a habitual offender under section 22F, then not less than \$500 nor more than \$5000 or by imprisonment for not more than two years or both.

**Right Lane, Failure to be in
MGL Ch. 89 § 4B**

Definition:

Upon all ways the driver of a vehicle shall drive in the lane nearest the right side of the way when such lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.

Elements:

1. upon any way

2. operates
3. motor vehicle
4. in the lane nearest the right side of the way when such lane is available for travel

Exceptions:

1. When overtaking a vehicle
2. When preparing for a left hand turn
4. When otherwise directed by department of highways (section 4B) or police (section 5)

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$100.00

Right of way of fire engines, patrol vehicles and ambulances
MGL Ch. 89 § 7

Definition:

The members and apparatus of a fire department while going to a fire or responding to an alarm, police patrol vehicles and ambulances, and ambulances on a call for the purpose of hospitalizing a sick or injured person shall have the right of way through any street, way, lane or alley.

Elements:

1. Whoever willfully obstructs or retards the passage;
2. members and apparatus of a fire department while going to a fire or responding to an alarm; or
3. police patrol vehicles and ambulances; or
4. ambulances on a call for the purpose of hospitalizing a sick or injured person;
5. Such vehicles shall have the right of way through any street, way, lane or alley.

Penalty:

Misdemeanor/Criminal. Fine up to \$50.00 and jail for not more than 3 months for the first offense and by a fine of not more than five hundred dollars or by imprisonment for up to one year for a second and subsequent offenses; provided, however, that for a third or subsequent offense the court or the registry of motor vehicles, in addition to any

such fine or imprisonment, may suspend the license of the person so convicted and may order mandatory classroom retraining in motor vehicle and traffic laws.

Right Turn, Illegal

MGL Ch. 90 § 14

Definition:

When turning to the right, an operator shall do so in the lane of traffic nearest the right-hand side of the roadway and as close as practicable to the right hand curb or edge of the roadway.

Elements:

1. operate

2. motor vehicle

3. in the lane of traffic nearest the right-hand side of the roadway and as close as practicable to the right-hand curb or the edge of roadway.

Penalty:

Misdemeanor/Non-Criminal. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

Right Turn on Red Light or Stop Sign

MGL Ch. 89 § 8

(see “FAILURE”)

Signaling for Turn or Stop

MGL Ch. 90 § 14B

Definition:

Every person operating a motor vehicle, before stopping said vehicle or making any turning movement which would affect the operation of any other vehicle, shall give a plainly visible signal by activating the brake lights or directional lights or signal as provided on said vehicle and in the event electrical or mechanical signals are not operating or not provided, a visible signal by views of hand and arm shall be made.

Elements:

1. operating
2. motor vehicle
3. upon any way
4. before making any turning movement operator gives a plainly visible signal by activating the brake lights or directional lights or in the event electric or mechanical signals are not operating or not provided a visible signal by means of hand or arm.

Penalty:

Misdemeanor/Non-Criminal. Fine of not less than \$25.00 for each offense.

**Single Lane Failure to be in
MGL Ch. 89 § 4A**

Definition:

When any way has been divided into lanes, the driver of a vehicle shall so drive that the vehicle shall be entirely within a single lane, and he shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

Elements:

1. when any way has been divided into lanes
2. driver of a vehicle fails to so drive that the vehicle is entirely within a single lane or
3. when any way has been divided into lanes
4. driver moves from the lane in which he is driving without first ascertaining that such movement can be made with safety

Penalty:

Misdemeanor/Non-Criminal. Fine of up to \$100.00

**Smoke/Pollutants, Excessive Amounts from Motor Vehicle
MGL Ch. 90 § 16**

Definition:

No person operating a motor vehicle shall permit to escape from such vehicle smoke or pollutants in such amounts or at such levels as may violate motor vehicle air pollution control regulations.

Elements:

1. operates
2. motor vehicle
3. upon any way
4. permits to escape smoke or pollutants
5. at levels which violate clean air regulations.

Penalty:

Misdemeanor/Non-Criminal. Fine of not less than \$20.00 nor more than \$100.00. (A complaint against a person upon violation of this section on file at the discretion of the court if the violation appears to be unintentional upon 3rd subsequent offense within a 12 month period, registrar shall revoke the violator's license for 30 days)

Speed Limit Violations

MGL Ch. 90 § 17

Definition: No person operating a motor vehicle on any way shall run it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. Unless a way is otherwise posted in accordance with the provisions of section eighteen, it shall be *prima facie* evidence of a rate of speed greater than is reasonable and proper as aforesaid:

- (1) if a motor vehicle is operated on a **divided highway outside a thickly settled or business district** at a rate of speed exceeding fifty miles per hour for a distance of a quarter of a mile, or
- (2) on any other way **outside a thickly settled or business district** at a rate of speed exceeding forty miles per hour for a distance of a quarter of a mile, or
- (3) **inside a thickly settled or business district** at a rate of speed exceeding thirty miles per hour for a distance of one-eighth of a mile, or
- (4) **within a school zone** which may be established by a city or town as provided in section two of chapter eighty-five at a rate of speed exceeding twenty miles per hour.

Additional speeding provisions:

- a) operation of a motor vehicle at a speed in excess of fifteen miles per hour within one-tenth of a mile of a vehicle used in hawking or peddling merchandise and which displays flashing amber lights shall likewise be *prima facie* evidence of a rate of speed greater than is reasonable and proper;
- b) if a speed limit has been duly established upon any way, in accordance with the provisions of said section, operation of a motor vehicle at a rate of speed in excess of such limit shall be *prima facie* evidence that such speed is greater than is reasonable and proper;
- c) notwithstanding such establishment of a speed limit, every person operating a motor vehicle shall decrease the speed of the same when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions;
- d) except on a limited access highway, no person shall operate a school bus at a rate of speed exceeding forty miles per hour, while actually engaged in carrying school children.

Elements:

1. operating
2. a motor vehicle
3. on any way
4. at a rate of speed greater than is reasonable and proper having regard to traffic and the use of the way and safety of the public.

Penalty:

Misdemeanor/Non-Criminal Fine of \$50.00 plus \$10.00 for each mile per hour in excess of 10 m.p.h. over the limit (upon 3rd subsequent offense within 12 months, registrar shall revoke the violator's license for at least 30 days).

NOTE: C.90 § 20 states that "There shall be a surcharge of \$25 on a fine assessed against any person convicted or found responsible of a violation of the provisions of section 17 or a violation of a special regulation lawfully made under the authority of section 18; but 100 per cent of the moneys collected pursuant to said surcharge

shall be transferred by the registrar of motor vehicles to the state treasurer for deposit into the Head Injury Treatment Services Trust Fund established pursuant to the provisions of section 59 of chapter 10." **See inside back cover for proper fine schedule.**

Stopping in Crosswalk

MGL Ch. 89 § 11

(see "CROSSWALK")

Stop Sign, Failure to Stop at

MGL Ch. 89 § 9

(see "FAILURE")

Suspended/Revoked License, Operation Under

MGL Ch. 90 § 23

(see "REVOCATION")

Throwing Lighted Cigarettes from Vehicles

MGL Ch. 148 § 54

Definition:

Whoever drops or throws from any vehicle while the same is upon a public or private way running along or near forest land or open fields, or except as permitted by law, drops, throws, deposits or otherwise places in or upon forest land, any lighted cigarette, cigar, match, live ashes or other flaming or glowing substance, or any substance or thing in and of itself is likely to cause a fire.

Elements:

1. drops, throws, deposits or otherwise places
2. from any vehicle (motor)
3. while operating
4. upon a public or private way
5. along or near forest land or open fields
6. any lighted cigarette, cigar, match, live ashes or other flaming or glowing substance or any substance or thing in and of itself that is likely to cause a fire

Penalty:

Misdemeanor. Fine of not more than \$100.00 or by imprisonment for not more than thirty days

Throwing or Dropping Glass on Public Way
MGL Ch. 265 § 32

Definition:

Whoever throws or drops glass on a public way, or on or near a bathing beach, or on the immediate neighborhood of a bathing beach.

Elements:

1. throws or drops glass
2. on a public way, or on or near a bathing beach, or on a public way, sidewalk or reservation in the immediate neighborhood of a bathing beach.

Penalty:

Misdemeanor. Fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

Throwing or Dropping Object Onto Any Way
MGL Ch. 265 § 35

Definition:

Whoever willfully or negligently drops, throws or otherwise releases any object, missile or other article onto any way as defined in section one of chapter ninety, the turnpike as defined in clause (b) of section four of chapter three hundred fifty-four of the acts of nineteen hundred and fifty-two or the tunnels as defined in clause (d) of section one of chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight so that the lives or safety of the public might be endangered.

Elements:

1. willfully or negligently
2. drops, throws or otherwise releases
3. any object, missile or other article
4. on any way (as defined in section one of chapter 90) or on the turnpike (as defined by clause (6) of section 4 of chapter 354 of

the Acts of 1952) or on the tunnels (as defined in clause (d) of section 1 of chapter 598 of the Acts of 1958)

5. so that the lives or safety of the public might be endangered

Penalty:

Misdemeanor. Fine of not more than \$100.00 or by imprisonment for not more than one year, or both.

Tires, Metal Studded

MGL Ch. 90 § 16

Definition:

No person, except a duly authorized person driving an emergency fire vehicle, shall operate a motor vehicle equipped with metal studded tires upon a public way between May the first and November the first.

Elements:

1. operates
2. motor vehicle
3. upon a way
4. equipped with metal studded tires
5. between May the first and November the first

Exceptions:

1. The registrar may authorize the use of such tires before November the first, if weather conditions require the use thereof

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$50.00

Tires, Tread Depth

MGL Ch. 90 § 7Q

Definition:

No person, knowing that any tire of a motor vehicle fails to comply with regulations promulgated by the registrar relative to the minimum standards for visual and tread depth, shall operate such vehicle upon any way, and no owner of a motor vehicle knowing that any tire of such vehicle fails to comply with such regulations, shall permit such vehicle to be so operated

Elements:

1. operate, pushes, draws or tows or permits to be operated, pushed, drawn or towed
2. a motor vehicle
3. knowing that any tire fails to comply with regulation promulgated by the registrar relative to minimum standards

Penalty:

Misdemeanor/Non-Criminal. First offense not more than \$35.00, second offense not less than \$35.00 nor more than \$75.00, third offense not less than \$75.00 nor more than \$150.00 and subsequent offenses within 12 month period.

Traffic Control Devices

MGL Ch. 89 § 9

Definition:

The local authorities of a city or town authorized to enact ordinances or by-laws, or make rules, orders or regulations under provisions of section 22, Ch. 40 of the General Laws may, after approval by the state department of highways as provided in section 2 of Ch. 85 of the General Laws, designate any way or part thereof under the control of such city or town as a through way and may designate intersections or other roadway junctions of which vehicular traffic on one or more roadways shall stop or yield before entering the intersection or junction, and may, after notice of like approval, revoke any such designation. Such local authorities of a city or town having control of any way or part thereof so designated as a through way shall erect and maintain stop signs, yield signs and other traffic control devices at such designated intersections or junctions.

Note: This violation is based on local ordinances or by-laws adopted by the local authority.

Elements:

1. violates
2. ordinances or by law, rule, order or regulation
3. of local authorities of a city or town authorized to enact such regarding stop signs, yield signs and other traffic control

devices).

Penalty:

Misdemeanor/Non-Criminal. Fine not more than \$50.00 for each offense.

Trailers, Unregistered

MGL Ch. 90 § 9

(see “UNREGISTERED”)

Transportation of Alcoholic Beverages, Persons under 21

MGL Ch. 138 § 34C

A police officer may arrest without a warrant any person who violates this section.

Definition:

Whoever, being under twenty-one years of age and unaccompanied by his parent or legal guardian, knowingly possesses, transports or carries on his person any alcohol or alcoholic beverages.

Elements:

1. under twenty-one years of age
2. unaccompanied by his parent or legal guardian
3. knowingly possesses, transports or carries on his person
4. any alcohol or alcoholic beverages

Exceptions:

1. Any person between the age of eighteen and twenty-one who transports or carries on his person alcoholic beverages in the course of his employment.

Penalty:

Misdemeanor. Fine of not more than \$50.00 for first offense and not more than \$150.00 for second and subsequent offenses (a conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court, and said registrar shall suspend for not more than ninety days the license of such person)

Trespass of Land With Motor Vehicle

MGL Ch. 266 § 121A

Definition:

Whoever, without right, enters upon private land of another, whether or not such land is posted against trespass, or in so entering makes use of or has in his immediate possession or control any vehicle, machine or device which includes an internal combustion engine or other source of mechanical power.

Elements:

1. without right
2. enters upon private land of another (whether or not it is posted against trespass)
3. and in so entering makes use of or has in his immediate possession or control
4. any vehicle, machine or device which includes an internal combustion engine or other source of mechanical power

Exceptions:

1. An entry at the junction of a public way with a paved private roadway (unless said private roadway is distinguished from the public way by a sign, gatepost, or the display of a street number or the name of the occupant of the premises, or by improvement of adjacent land, the type of construction of the roadway, or other distinguishing feature, or unless such entry has been forbidden by the person having lawful control of said private roadway)

Penalty:

Misdemeanor. A fine of not more than \$250.00

Unauthorized Use of a Motor Vehicle

MGL Ch. 90 § 24(2)(a)

Definition:

Whoever uses a motor vehicle without authority knowing that such use is unauthorized.

Elements:

1. uses

2. a motor vehicle
3. without authority
4. knowing that such use is unauthorized
5. upon any way or in any place to which public has a right of access, or in which members of the public have right of access as invitees or licensees.

Penalty:

(First offense is a misdemeanor and any subsequent offense is a felony) **First offense** is punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment for not less than 30 days nor more than two years or both. **Second offense** is punishable by imprisonment in the state prison not more than 5 years or in a house of correction for not less than 30 days nor more than 22 years or by a fine of not more than \$1000 or by both such fine and imprisonment. **Third or subsequent offense** of such use without authority committed within five years of the earliest of his two most recent prior offenses by a fine of not less than \$200.00 nor more than \$1000.00 or by imprisonment for not less than 6 months nor more than 22 years in a house of corrections or not less than 22 years nor more than 5 years in state prison or both fine and imprisonment.

Uninsured Motor Vehicle

MGL Ch. 90 § 34J

(see “INSURANCE”)

Unregistered Motor Vehicle or Trailer

MGL Ch. 90 § 9

(see “MOTOR VEHICLE”)

Unsafe Lane Changes

MGL Ch. 89 § 4A

(see “DRIVING”)

Vehicular Homicide

MGL Ch. 90 § 24G

(see “HOMICIDE”)

Yield, Failure to Slow or Stop

MGL Ch. 89 § 9 (see “FAILURE”)

**SECTION TWO
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SECTION TWO
Code of Massachusetts Regulations (CMR)

Close, Following Motor Vehicle Too
720 CMR 9.06(7)
(see “FOLLOWING”)

**Construction, Operation of a Motor Vehicle on a Way Closed
for**
720 CMR 9.06(18)

Definition:

No operator shall enter upon the road surface of any highway or section thereof when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the highway is not to be used, or when so advised by an officer, watchman, member of the highway crew or employee of the Department (Highway Department), either audibly or by signals.

Elements:

1. operated
2. upon a state highway
4. did enter upon the road surface of a highway or section thereof which is under construction or surface treatment or maintenance or some unprotected hazard.
5. Road surface was closed to travel, and one or more signs, lights or signals were erected to indicate that all or part of the road surface is not to be used or where so advised by an officer, watchman, member of the highway crew or employee of the Department.

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Crossover of Divided Roadway, Illegal
720 CMR 9.06(16)
(see “DIVIDED ROADWAY”)

Divided Roadway, Failure to Keep Right

720 CMR 9.06(16)

Cross Reference:

RIGHT LANE, FAILURE TO BE IN, MGL Ch. 89 § 4B

Definition:

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or areas, drivers shall keep to the right of such a division, and shall cross such parkway, grass plot or reservation only at a crossover. In the case of a state highway which has no crossovers, access to the adjoining roadway shall gained only by the proper use of under or overpass and ramps.

Elements:

1. operating
2. motor vehicle
3. upon State Highway
4. divided by parkway, grass plot, reservation, viaduct, subway or any structure
5. fails to keep right of such division
or
6. fails to cross parkway, grass plot or reservation at a crossover.

Exceptions:

1. The foregoing provision shall not apply when drivers are otherwise directed by an officer, or official, signs, signals or markings

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Failure to Obey a Police Officer

720 CMR 9.07(3)

(see "POLICE")

Failure to Stop at Flashing Red Light

720 CMR 9.06(10)

(see "TRAFFIC CONTROL")

Following a Motor Vehicle Too Closely

720 CMR 9.06(7)

Definition:

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway.

Elements:

1. operating
2. motor vehicle
3. upon a state highway
4. following more closely than is reasonable and prudent

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Give Right of Way, Failure to do so while Vehicle Attempting to Pass

720 CMR 9.06(4)

(see "PASSING")

Intersection, Unlawful Entering

720 CMR 9.06(6)(b)

Cross Reference:

INTERSECTION, RIGHT OF WAY, MGL Ch. 89 § 8

Definition:

No driver shall enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Elements:

1. operate
2. motor vehicle
3. upon a State Highway
4. entered an intersection or marked crosswalk

5. without sufficient space on the other side of the intersection of marked crosswalk and on the right half of the roadway
6. did obstruct the passage of vehicles or pedestrians

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Lane, Failure to Operate In Marked

720 CMR 9.06(l)

Cross Reference:

UNSAFE LANE CHANGES; MGL Ch. 89 § 4A

Definition:

When any roadway is divided into lanes, the driver of a vehicle shall so drive that vehicle shall be entirely within a single lane, and he shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

Elements:

1. operating
2. motor vehicle
3. upon a state highway
4. operate vehicle within marked lanes

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Lane, Failure to Operate in Right

720 CMR 9.06(2)

Cross Reference:

RIGHT LANE, FAILURE TO BE IN; MGL Ch. 89 § 4B

Definition:

Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel except when overtaking another vehicle or when preparing for a left turn.

Elements:

1. fails to operate
2. motor vehicle

3. upon a state highway
4. in the lane nearest the right side of the roadway when said lane is available.

Exceptions:

1. When overtaking a vehicle
2. When preparing for a left turn

Penalty:

Misdemeanor/Non-Criminal. Fine not more than \$20.00

Lights, Traffic, Failure to Obey

720 CMR 9.06(10)

(see "TRAFFIC CONTROL")

Markings, Traffic Signs, Failure to Obey

720 CMR 9.06(23)

(see "TRAFFIC")

One Way Street Violations

720 CMR 9.05(1)

Cross Reference:

ONE WAY TRAFFIC, MGL Ch. 89 § 10

Definition:

Upon those highways designated by the Department (of Highways) for one-way traffic, and a sign posted for the same, no driver shall proceed except in the direction indicated by such signs

Elements:

1. operating
2. motor vehicle
3. upon a state highway
4. designated by the Department (of Highways) for one way traffic
5. and posted as such
6. operated in direction other than was indicated by such signs

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Operating, Failure to be In Marked Lanes While
720 CMR 9.06(1)
(see “LANE”)

Operating, Failure to be In Right Lanes While
720 CMR 9.06(2)
(see “LANE”)

**Operating a Motor Vehicle on a Road Closed for
Construction**
720 CMR 9.06(18)
(see “CONSTRUCTION”)

Parked on State Highway, Prohibited
720 CMR 9.03(2)

Definition:

No person shall stop, stand or park a vehicle upon any State Highway except as otherwise provided in 720 CMR 9.03(3) (when official signs allow parking for designated time)

Elements:

1. did park
2. motor vehicle
3. on any state highway

Exception:

1. when official signs allow parking for a designated time
2. to change tire or make emergency repairs in the right-hand lane (unless car not under power, see 720 CMR 9.03(5))

Penalty: Misdemeanor/Non-Criminal. Fine of up to \$15.00 (if paid within 21 days)

Parking on State Highways, Restricted
720 CMR 9.03(1)

(1) Restricted Places. No person shall stand or park any vehicle in any street, way or highway under the control of the Department and no person shall allow, permit or suffer any vehicle registered in his name

to stand or park in any street, way or highway under the control of the Department in violation of any rules of the Department and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal.

- (a) Within a crossover.
 - (b) Within an intersection.
 - (c) Upon any sidewalk.
 - (d) Upon any crosswalk.
 - (e) Upon the roadway in a rural or sparsely settled district.
 - (f) Upon the roadway in a business or residential district where parking is permitted unless both wheels on the right side of the vehicle are within twelve inches of the curb or edge of the roadway, except where angle parking is permitted.
 - (g) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane 12' wide in each direction for passing traffic.
 - (h) Upon any highway within twenty feet of an intersecting way, except alleys.
 - (i) Upon any highway within ten feet of a fire hydrant.
 - (j) Upon or in front of any private road or driveway without the consent of the owner of said road or driveway.
 - (k) Upon any street or highway where the parking of a vehicle will obstruct or hide from view any traffic control signal provided signs are erected notifying of such regulation or restriction.
- (2) Upon a safety rest area those vehicles left unattended for more than 30 consecutive minutes provided signs are posted notifying of such restrictions.
- (3) Prohibited Parking. No person shall stop, stand or park a vehicle upon any State Highway except as otherwise provided in 720 CMR 9.03 (3).
- (4) Time Limit. No person shall park a vehicle upon any state highway for a period of time longer than that specified upon official signs erected within the area.

(5) Bus Stops.

(a) No person shall park a vehicle other than a bus in a bus stop where signs prohibit such parking.

(b) No person shall stop or park a bus upon any state highway at any place other than a bus stop.

(6) Emergency Repair. No person shall park a vehicle in any highway except in the right-hand lane or shoulder of the highway for the purpose of changing a tire or making emergency repairs unless such vehicle is so damaged or disabled that it cannot be moved under its own power.

Passing Vehicles, Failure to Give Way

720 CMR 9.06(5)

Cross Reference:

PASSING OF VEHICLES, MGL Ch. 89 § 2

Definition:

The driver of vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right when practicable in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Elements:

1. operating
2. motor vehicle
3. upon a state highway
4. about to be overtaken and passed by another vehicle approaching from the rear
5. on suitable and audible signal being given by the driver of the overtaking vehicle

or

1. operates
2. motor vehicle
3. upon a state highway
4. vehicle about to be overtaken and passed

5. shall not increase the speed of his vehicle until completely passed by the overtaking vehicle

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Passing Vehicle, Failure to Use Care While Passing

720 CMR 9.06(4)

Cross Reference:

PASSING OF VEHICLES, MGL Ch. 89 § 2

Definition:

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle to change his speed or alter his course, except as provided in 720 CMR9.06(5).

Elements:

1. operating
2. motor vehicle
3. upon a state highway
4. did overtake and pass a vehicle proceeding in same direction
5. not being sufficient clear space ahead in the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of a vehicle ahead

or

6. causing the driver of such vehicle (being overtaken) to change his speed or alter his course

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Police Officer, Failure to Obey

720 CMR 9.07(3)

Cross Reference:

**POLICE OFFICER, FAILURE TO OBEY, MGL Ch. 90 § 25
RESISTING ARREST, MGL Ch. 268 § 32B**

Definition:

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer regard to the direction, control or regulation of traffic. Any person acting in conformity with any such order or direction shall be relieved from any observance of these rules with which the order or direction may conflict.

Elements:

1. did willfully
2. fail or refuse to comply with any lawful order or direction
3. of a police officer
4. (the order is) in regard to the direction, control or regulation of traffic
5. on a state highway

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

**Ramp, Backing Up to Gain Access to
720 CMR 9.08(3)**

Definition:

No person shall back a vehicle for the purpose of gaining entrance to any express state highway off ramp. Exit from the highway shall be made only at succeeding exits. No person shall back a vehicle from any ramp which provides entrance or exit for express state highway

Elements:

1. backed
 2. motor vehicle
 3. upon a state highway
 4. for the purpose of gaining access to express state highway off ramp
- or**

5. backing from an entrance or exit ramp

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

**Rotary, Operating in Wrong Direction While in
720 CMR 9.05(2)**

Definition:

Within areas specified and posted by the Department for rotary traffic, operators shall proceed only in rotary counter-clockwise direction, except when otherwise directed by a police officer.

Elements:

1. operating
2. motor vehicle
3. upon a state highway
4. area was specified and posted by the Department for rotary traffic
5. failed to proceed in a rotary counterclockwise direction

Exception:

1. When otherwise directed by a police officer

Penalty:

Misdemeanor/Non-Criminal. Fine of nor more than \$20 00

**Sidewalk, Operating a Motor Vehicle Upon
720 CMR 9.06(19)**

Definition:

The driver of a vehicle shall not drive upon a sidewalk except at a permanent or temporary driveway.

Elements:

1. operating
2. motor vehicle
3. upon any sidewalk

Exceptions:

1. At a permanent or temporary driveway.

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Signs, Traffic, Failure to Obey

720 CMR 9.06(23)

(see “TRAFFIC SIGNS”)

Starting, Failure to Use Care While

720 CMR 9.06(9)

(see “STOPPING, BACKING, TURNING OR STARTING”)

Stopping, Backing, Turning or Starting, Failure to Use

Caution While

720 CMR 9.06(9)

Definition:

Except as otherwise provided in 720 CMR 9.08(3), the driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement can be made with safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, said driver shall wait for a more favorable opportunity to make such movement. If the operation of another vehicle should be affected by stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by Ch. 90 § 14B of MGL

Elements:

1. operating
2. motor vehicle
3. on a state highway
4. did stop such movement
5. without first seeing that such movement could be made with safety

or

1. operating
2. a motor vehicle
3. on a state highway
4. did turn such vehicle
5. without first seeing that such movement could be made with safety

or

1. operating
2. motor vehicle
3. on a state highway
4. did start such vehicle
5. without first seeing that such vehicle movement could be made with safety.

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

Traffic Control Signals (Lights), Failure to Obey

720 CMR 9.06(10)

Cross Reference:

TRAFFIC CONTROL DEVICES, MGL Ch. 89 § 9

Definition:

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a stop sign), signal or device or except as provided in 720 CMR 9.06(24)(b) of these rules.

In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic control signals.

(a) **GREEN** - While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the lane such signal was exhibited. Drivers of such vehicles making right or left turns shall yield the right of way to pedestrians crossing with the flow of traffic.

(b) **RIGHT LEFT and VERTICAL GREEN ARROWS** - When a right green arrow is illuminated, drivers facing said signal may turn right; when a left green arrow is illuminated,

drivers facing the signal may turn left. When a vertical green arrow is illuminated, drivers facing the signal may go straight ahead. When a green arrow is exhibited together with a red or a yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right of way to vehicles proceeding from another direction on the green indications, and to pedestrians legally within the marked crosswalk.

(c) **YELLOW** - While the yellow lens is illuminated, waiting drivers shall not proceed, and any driver approaching the intersection or marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make movement permitted by such arrow.

(d) **RIGHT AND LEFT YELLOW ARROWS** - When yellow arrows are illuminated, drivers are warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(e) **RED** - While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection or at such point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(f) **RIGHT AND LEFT RED ARROWS** - Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow shown. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal

may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(g) **FLASHING RED (STOP SIGNAL)** - When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a Stop line when marked, and the right to proceed shall be subject to provisions of MGL Ch. 89 § 8.

(h) **FLASHING YELLOW (CAUTION SIGNAL)** - When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

Traffic Markings and Signs, Failure to Obey

720 CMR 9.06(23)

Cross Reference:

STOP SIGN, FAILURE TO STOP AT TRAFFIC CONTROL DEVICE, MGL Ch. 89 § 9

Definition:

The driver of any vehicle or of any street car shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer

Elements:

1. operates
2. motor vehicle
3. upon a State Highway
4. fails to obey
5. any official traffic control sign, signal, device, marking or legend.

Exceptions:

1. When otherwise directed by a police officer.

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00.

Yield, Failure to 720 CMR 9.06(14)

Cross Reference:

YIELD, FAILURE TO SLOW, STOP OR, MGL Ch. 89 § 9

Definition:

Every driver of a vehicle or other conveyance approaching an intersection of ways where there exists facing an official sign bearing the word Yield said sign having been erected in accordance with the written approval of the Department and such approval being in effect, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop before at a point between the said "Yield" sign and the nearer line of the street intersection provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a Yield sign can enter the intersection in safety without causing interference to approaching traffic.

Elements:

1. operates
2. motor vehicle
3. approaching an intersection of ways
4. exists facing him an official sign bearing the word 'Yield' (said sign having been erected with written approval of Department of Highways)
5. fails to surrender to oncoming traffic his right to enter the intersection

Penalty:

Misdemeanor/Non-Criminal. Fine of not more than \$20.00

**SECTION THREE
INDEX OF REGULATIONS**

(Registry of Motor Vehicles - 540 CMR)

Listed below is an index of selected Regulations of the Registry of Motor Vehicles. The index is provided for the purpose of reference and as a locator. There is not enough space in this book to reproduce the actual regulations.

540 CMR 2.00: MOTOR VEHICLE REGULATIONS

540 CMR 2.04: Minimum Standards for Brake Lining for Motor Vehicles

540 CMR 2.05: Vehicle Registrations Requirements

540 CMR 2.06: Classification and Endorsements of Operators' Licenses

540 CMR 2.07: Year of Manufacture Registration Plates

540 CMR 2.09: Headgear for Motorcycle Operators and Passengers

540 CMR 2.12: Headlamps on Motor Vehicles

540 CMR 2.13: Minimum Standards for Construction and Performance of Headlamps

540 CMR 2.15: Licensing of Operators of School Buses

540 CMR 2.19: Applications for Registration by Power of Attorney

540 CMR 2.20: Use and Installation of Anti-Theft Alarm Devices on Motor Vehicles and Trailers

540 CMR 2.21: Minimum Standards for Safety Chains

540 CMR 2.22: Commercial Vehicles

540 CMR 2.23: Display of Reflectorized License Plates

540 CMR 2.24: Display of Stickers as Visible Evidence of Registration

540 CMR 2.27: Conduct of Lessors of Motorcycles

540 CMR 2.28: Conduct of Driver Schools

540 CMR 2.29: Distinctive Slow-Moving Vehicle Emblem

540 CMR 2.30: Mounting and Display of Amber Lights and Other Colored Lights

540 CMR 2.31: Mounting and Display of Other Aftermarket Lighting

540 CMR 2.32: Manufacturer and Dealer Certification of Compliance with Massachusetts Emissions Standards

540 CMR 2.33: Surrender of a Massachusetts License to Operate a Motor Vehicle Upon Revocation or Suspension

540 CMR 3.00: MOTORCYCLE NOISE ABATEMENT

540 CMR 3.01: Definitions

540 CMR 3.02: Provisions

540 CMR 3.03: Exceptions

540 CMR 3.04: Allowable Noise Levels

540 CMR 3.05: Sound Level Measurement Tolerances

540 CMR 3.06: Instrumentation

540 CMR 3.07: Measurements of Noise Emissions

540 CMR 3.08: Site Characteristics

540 CMR 3.09: Microphone Distance Correction Factors

540 CMR 3.10: Validity of 540 CMR 3.00

540 CMR 3.11: Records

540 CMR 3.12: Distance Correction Factors

540 CMR 4.00: PERIODIC ANNUAL STAGGERED SAFETY AND COMBINED SAFETY AND EMISSIONS INSPECTION OF ALL MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND CONVERTER DOLLIES

540 CMR 4.01: Scope and Applicability

540 CMR 4.02: Special Definitions

540 CMR 4.03: Requirements for Staggered Annual Inspection

540 CMR 4.04: Procedures for Inspection of Motor Vehicles

540 CMR 4.05: Procedures for Inspection of Commercial Motor Vehicles

540 CMR 4.06: Procedures for Inspection of Motorcycles

540 CMR 4.07: Standards for the Emissions Inspection of

Certain Motor Vehicles

540 CMR 4.08: Issuance of Certificates of Inspection, Rejection, and Waiver Procedure

540 CMR 4.09: Licensure of Inspection Stations

540 CMR 7.00: MINIMUM STANDARDS FOR CONSTRUCTION AND EQUIPMENT OF SCHOOL BUSES

540 CMR 7.01: Purpose

540 CMR 7.02: Scope and Applicability

540 CMR 7.03: Definitions Type A, Type B, Type C, Type D

540 CMR 7.04: Bus Chassis Standards

540 CMR 7.05: Bus Body Standards

540 CMR 7.06: Equipment Requirements

540 CMR 7.07: Specially Equipped School Bus Standards

540 CMR 8.00: SCHOOL BUS DRIVER TRAINING PROGRAMS AND SCHOOL BUS DRIVING INSTRUCTORS

540 CMR 8.01: Purpose, Scope and Applicability

540 CMR 8.02: General Qualifications for School Bus Driving Instructor's Certificate

540 CMR 8.03: School Bus Driving Training Programs (Pre-Service and In-Service) General Requirements

540 CMR 8.04: Records and Notices

540 CMR 9.00: CONDUCT OF HEARINGS WITHIN THE REGISTRY OF MOTOR VEHICLES

540 CMR 9.01: Scope and Applicability

540 CMR 9.02: Special Definitions

540 CMR 9.03: Standards for Adverse Action

540 CMR 9.04: Opportunity for Hearing Before Adverse Action

540 CMR 9.05: Hearing Requirements

540 CMR 9.06: Special Provisions for Emergency Suspensions

540 CMR 11.00: LICENSE SUSPENSIONS AND HEARINGS PURSUANT TO MGL C. 90, § 24(1)(f) and (g)

540 CMR 11.01: Purpose

540 CMR 11.02: Scope and Applicability

540 CMR 13.00: INTERNATIONAL REGISTRATION PLAN IMPLEMENTATION REGULATIONS

540 CMR 13.01: Authority

540 CMR 13.02: Purpose

540 CMR 13.03: Scope and Applicability

540 CMR 13.04: Definitions

540 CMR 13.05: Impact on Reciprocity Agreements

540 CMR 13.06: Status of Trailers and Semi-Trailers

540 CMR 14.00: MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION

540 CMR 14.01: Purpose

540 CMR 14.02: Scope and Applicability

540 CMR 14.03: Adoption and Incorporation of Federal Regulations as State Regulations

540 CMR 14.04: Exemptions

540 CMR 14.05: Penalties

540 CMR 14.06: Conflict with other State Regulations and Application of Federal Standards

540 CMR 14.07: Enforcement

540 CMR 17.00: ISSUANCE OF HANDICAP PLATES AND PLACARDS

540 CMR 17.01: Policy, Authority & Applicability

540 CMR 17.02: Definitions

540 CMR 17.03: Eligibility Standards

540 CMR 17.04: Procedure on Application & Issuance

540 CMR 17.05: Procedure on Disapproval & Review

540 CMR 17.06: Procedure on Appeal

540 CMR 18.00: MINIMUM STANDARDS FOR THE ISSUANCE AND USE OF GENERAL DISTINGUISHING NUMBERS OR MARKS AND NUMBER PLATES ISSUED UNDER THE PROVISIONS OF MGL Ch. 90, § 5

540 CMR 18.01: Scope and Purpose

540 CMR 18.02: Application for General Registrations and General Registration Number Plates

540 CMR 18.03: Compliance Decals

540 CMR 18.04: Display and Use of General Distinguishing Number Plates

540 CMR 18.05: Penalties

540 CMR 18.06: Leasing

540 CMR 18.07: Decal Compliance

540 CMR 18.08: Municipality Required With Business Name

540 CMR 19.00: REMOVAL OF CERTIFICATE OF INSPECTION BY LICENSED AUTO DAMAGE APPRAISERS

540 CMR 19.01: Purpose

540 CMR 19.02: Scope and Applicability

540 CMR 19.03: Definitions

540 CMR 19.04: Requirements for the Removal of Certificates of Inspection

540 CMR 19.05: Availability and Accountability of Temporary Certificates of Inspection

540 CMR 19.06: Penalties

540 CMR 19.07: Appendix

540 CMR 20.00: SUSPENSION OF A PERSON'S LICENSE AND RIGHT TO OPERATE A MOTOR VEHICLE AS A RESULT OF THE CONVICTION OF A VIOLATION OF A CONTROLLED SUBSTANCE ACT

540 CMR 20.01: Purpose

540 CMR 20.02: Scope and Applicability

540 CMR 20.03: Suspensions Required by MGL Ch. 90, § 22(f)

Based Upon Convictions of MGL Ch. 94C

540 CMR 20.04: Suspension Based Upon a Conviction of a Violation of a Controlled Substance Law of Another State, The United States of America, or Any Other Country

540 CMR 21.00: SEMIANNUAL SAFETY INSPECTION OF MGL Ch. 90, § 7D VEHICLES

540 CMR 21.01: Purpose

540 CMR 21.02: Scope and Applicability

540 CMR 21.03: Procedures for Inspection of MGL Ch. 90, § 7D Vehicles 540 CMR 21.04: Inspection Dates

540 CMR 22.00: MISCELLANEOUS MOTOR VEHICLE AND TRAILER EQUIPMENT AND OPERATIONS REQUIREMENTS

540 CMR 22.01: Scope and Purpose

540 CMR 22.02: Display of Reflectorized License Plates

540 CMR 22.03 Minimum Standards for Brake Lining for Motor Vehicles

540 CMR 22.04: Minimum Standards for Construction and Performance of Headlamps and Other Lighting Equipment

540 CMR 22.05: Operation of Headlamps on Motor Vehicles

540 CMR 22.06: Mounting and Display of Amber and Other Colored Lights

540 CMR 22.07: Mounting and Display of other Aftermarket Lighting

540 CMR 22.08: Protective Headgear for Motorcycle Operators and Passengers

540 CMR 22.09: Use and Installation of Anti-Theft Alarm Devices on Motor Vehicles and Trailers

540 CMR 22.10: Use of Safety Chains While Towing a Trailer

540 CMR 22.11: Distinctive Slow-Moving Vehicle Emblem

540 CMR 22.12: Manufacturer Certification of Compliance with Massachusetts Emissions Standards

SECTION FOUR

**Uniform Operation of Commercial Motor Vehicles Act MGL.
Ch. 90F (Selected Portions)**

MGL Ch. 90F § 1. Definitions (selected)

As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Alcohol concentration”, the number of grams of alcohol per one hundred milliliters of blood; or the number of grams of alcohol per two hundred and ten liters of breath; or the number of grams of alcohol per sixty-seven milliliters of urine.

“Commerce”, (1) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a state and a place outside of such state, including a place outside the United States; and (2) trade, traffic and transportation in the United States which affects any trade, traffic and transportation described in clause (1).

“Commercial driver license system” (CDLIS), the information system established pursuant to the CMVSA - 86 (Title XII, Public Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle operators.

“Commercial motor vehicle”, a motor vehicle used in commerce designed or used to transport passengers or property which has a gross vehicle weight rating of twenty-six thousand and one or more pounds or such lesser rating as determined by federal regulation, of which is designed to transport more than 16 passengers, including the driver; or which transports hazardous materials and is required to be placarded in accordance with 49 CFR part 172, sub-part F. For purposes of section nine, “commercial motor vehicle” shall include any vehicle described in 49 CFR part 390.5.

“Controlled substance”, any substance classified as a controlled substance under section 102(6) of the Controlled

Substances Act (21 U.S.O. 802(6), including all substances listed on Schedules I through V of 21 CFR Part 1308.)

“Conviction”, an unvacated adjudication of guilt; a determination that a person has violated or failed to comply with the law in a court of original jurisdiction; in an administrative proceeding, if the adjudication of guilt is within its jurisdiction; an unvacated forfeiture of bail or collateral, deposited to secure the person’s appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost; or violation of a condition of release without bail; regardless of whether the penalty is rebated, suspended or probated.

“Disqualification”, a prohibition against operating a commercial motor vehicle.

“Felony”, any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year.

“Gross vehicle weight rating” (GVWR), the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The GVWR of a combination (articulated vehicle) commonly referred to as the “gross combination weight rating” (or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit including the loads on them.

“Hazardous materials”, as defined under section 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.).

“License to operate a commercial motor vehicle”, a license to operate a commercial motor vehicle issued in accordance with the requirements of this chapter and the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to an

individual authorizing him to operate a certain class of commercial motor vehicle.

“Nonresident CDL”, a license to operate a commercial motor vehicle issued by a state to an individual who resides in a foreign jurisdiction.

“Operate”, to operate or be in physical control of a commercial motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of sections ten and eleven, “operate” includes operation or physical control of a motor vehicle anywhere within the commonwealth.

“Out-of-service order”, a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle or a motor carrier operation is out-of-service pursuant to 49 CFR parts 386.72, 392.5, 395.13, 396.9, or any compatible law or the North American Uniform Out-of-Service Criteria.

“Serious traffic violation”, excessive speeding, as defined by the United States Department of Transportation by regulation; operation under the influence of alcohol or drugs, operating to endanger or reckless driving, under the provisions of paragraphs (a) to (h), inclusive, of subdivision of section twenty-four of chapter ninety; leaving the scene of a personal injury accident under section twenty-four of chapter ninety; homicide by a commercial motor vehicle under the provisions of section twenty-four G of said chapter ninety and causing serious bodily injury while operating a commercial motor vehicle while under the influence of intoxicating liquor or drugs under the provisions of section twenty-four L of said chapter ninety; any other violations of state law relating to motor vehicle traffic control which the registry determines by regulation to be serious.

MGL Ch. 90F § 2. Single license

Any person who operates a commercial motor vehicle shall not have more than one license to operate a motor vehicle except during

the ten day period beginning on the date the person is issued a license to so operate.

MGL Ch. 90F § 3. Notification to Registrar and employer of suspension, etc.

A. Notification of convictions. Any operator of a commercial motor vehicle holding a license to operate issued by the commonwealth, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control, in any other state or Canadian Province other than parking violations, shall notify the registrar of motor vehicles.

Any driver of a commercial motor vehicle holding a driver license issued by the commonwealth, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state or Canadian Province, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction.

B. Notification of suspensions, revocations and cancellations. Each driver whose driver license is suspended, revoked, or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify his employer of that fact before the end of the business day following the day the driver received notice of that fact.

C. Notification of previous employment. Each person who applies to be a commercial motor driver must provide the following information for the ten years preceding the date of application.

A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle; the dates between which the applicant drove for each employer; and the reason for leaving that employer. The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

MGL Ch. 90F § 4. Employer; information from driver; not in operation

A. Each employer must require the applicant to provide the information specified in paragraph (C) of section three.

B. No employer may knowingly allow, permit, or authorize any applicant to operate a commercial motor vehicle during any period in which the driver has a driver license suspended, revoked, or canceled in any state; has lost the privilege to drive a commercial motor vehicle in any state, or has been disqualified from driving a commercial motor vehicle in any state; or in which the driver has more than one license to operate a motor vehicle or commercial motor vehicle, except during a ten day period beginning on the date the employee is issued a license to so operate.

C. No employer shall knowingly allow, require, permit or authorize a driver to operate a commercial motor vehicle during any period in which the driver or the commercial motor vehicle or the motor carrier operation is subject to an out-of-service order. Any employer who violates the provisions of this paragraph shall be subject to a civil penalty of twenty-five hundred dollars.

MGL Ch. 90F § 5. Operation; suspension

A. Except when driving under a learner's permit to operate a commercial vehicle and accompanied by the holder of a license to operate a commercial motor vehicle valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a license to operate a commercial motor vehicle valid for the vehicle they are driving.

B. No person may operate a commercial motor vehicle while their driving privilege is suspended, revoked, canceled, subject to a disqualification, or in violation of an out of service order.

C. The registrar may promulgate regulations granting waivers consistent with federal law.

MGL Ch. 90F § 9 Disqualification from operating commercial motor vehicles

A. Any person is disqualified from operating a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

- (1) Driving a commercial motor vehicle under the influence of alcohol or drugs as provided in section twenty-four of chapter ninety.
- (2) Driving a commercial motor vehicle while the alcohol concentration of the person's blood or breath is four hundredths or more.
- (3) Leaving the scene of an accident involving a commercial motor vehicle driven by the person; or
- (4) Using a commercial motor vehicle in the commission of a felony as defined in this chapter.

If any of the above violations occurred while transporting a hazardous material required to be placarded, the person shall be disqualified for a period of three years.

B. Any person shall be disqualified for life if convicted of two or more violations of any of the offenses specified in paragraph (A), or any combination of those offenses, arising from two or more separate incidents. Only offenses committed after the effective date of this chapter may be considered in applying this paragraph.

C. The registrar may issue regulations establishing guidelines, including conditions, under which a disqualification for life under paragraph (B) may be reduced to a period of not less than ten years.

D. Any person shall be disqualified from operating a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

E. Any person shall be disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations, or one hundred and twenty days if convicted of three serious traffic violations, committed in the

operation of a commercial motor vehicle arising from separate incidents occurring within a three-year period.

E. 1/2(1). Except as provided in subparagraph (2), any person who violates the provisions of an out-of-service order shall be disqualified from driving a commercial motor vehicle as follows:

- (i) for not less than ninety days for a first violation of an out-of-service order;
- (ii) for not less than one year for a second violation of an out-of-service order; provides, however, that such violations arose out of separate incidents during any ten year period; and
- (iii) for not less than three years for a third or subsequent violation of an out-of-service order; provided, however, that such violations arose out of separate incidents during any ten year period.

E. 1/2(2) (emphasized added) Any person who violates the provisions of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. app. 1801-1813, or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver, shall be disqualified from driving a commercial motor vehicle as follows:

- (i) for not less than one hundred and eighty days for a first violation of an out-of-service order; and
- (ii) for not less than three years for a second or subsequent violation of an out-of-service order; provided, however, that such violations arose out of separate incidents during any ten year period.
- (iii) In addition to the disqualification provided for in subparagraphs (1) and (2), any driver who violates the provisions of an out-of-service order shall be subject to a civil penalty of one thousand dollars.

F. After suspending, revoking, or canceling a license to operate a commercial motor vehicle, the registrar shall update its records to reflect such action within ten days. After suspending, revoking or canceling the privileges of a nonresident operator of a commercial

motor vehicle, the registrar shall notify the licensing authority of the state which issued the license or certificate of the nonresident operator of a commercial motor vehicle within ten days.

MGL Ch. 90F § 10. Alcohol in system; out of service

A. Notwithstanding any other provision of this chapter, a person may not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol in his system.

B. A person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol in his system or who refuses to take an alcohol concentration test to determine his blood alcohol content shall be placed out-of-service for twenty-four hours.

MGL Ch. 90F § 11. Consent to alcohol etc. test

A. Any person who operates a commercial motor vehicle upon the highways of the commonwealth shall be deemed to have given consent, to a test or tests of that person's blood, breath, or urine for the purpose of determining that person's alcohol concentration, or the presence of other drugs.

B. A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the operator of a commercial motor vehicle, has probable cause to believe that the operator was operating a commercial motor vehicle while having alcohol in his system.

C. A person requested to submit to a test as provided shall be advised that a refusal to submit to the test will result in that person being disqualified from operating a commercial motor vehicle.

D. If the person refuses testing, or submits to a test which discloses an alcohol concentration of four hundredths or more, the law enforcement officer must submit a sworn report to the registrar certifying that the test was requested pursuant to paragraph (A) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of four hundredths or more.

E. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (D), the registrar shall disqualify the driver

from driving a commercial motor vehicle for a period of one year; provided, however, that upon receipt of such report with respect to any person who refuses to submit to such a test or submits to a test which discloses an alcohol level of four one-hundredths or more while transporting a hazardous material required to be placarded, the registrar shall disqualify such person from driving a commercial motor vehicle for three years. The registrar shall disqualify for life any person who refuses to submit to two or more tests, or submits to two or more tests which disclose an alcohol level of four one-hundredths or more, or any combination of the two or more thereof. Any operator who has been disqualified shall be entitled to a hearing before the registrar which shall be limited to the following issues: (1) did the law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, have probable cause to believe that the driver was driving a commercial motor vehicle while having alcohol in his system and (2) did such person refuse to submit to such test.

MGL Ch. 90F § 12. Registrar to notify licensing state of violations

Within ten days after receiving a report of the conviction of any nonresident holder of a license to operate a commercial motor vehicle for any violation of law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the registrar shall notify the driver licensing authority in the licensing state of the conviction.

CHAPTER 2
COURT DESIGNATION NUMBERS

30	Adams	66	Milford
34	Attleboro	88	Nantucket
48	Ayer	87	Natick
25	Barnstable	33	New Bedford
01	Boston Municipal	22	Newburyport
08	Brighton	12	Newton
15	Brockton	45	Northampton
09	Brookline	28	North Adams
52	Cambridge	42	Orange
04	Charlestown	26	Orleans
14	Chelsea	43	Palmer
20	Chicopee	86	Peabody
68	Clinton	27	Pittsfield
47	Concord	59	Plymouth
54	Dedham	56	Quincy
07	Dorchester	02	Roxbury
84	Dudley	36	Salem
05	East Boston	10	Somerville
35	Edgartown	03	South Boston
32	Fall River	29	Southern Berkshire
16	Fitchburg	89	Spencer
49	Framingham	23	Springfield
63	Gardner	55	Stoughton
39	Gloucester	31	Taunton
41	Greenfield	65	Uxbridge
38	Haverhill	51	Waltham
58	Hingham	46	Ware
17	Holyoke	80	Wareham
40	Ipswich	67	Westborough
18	Lawrence	44	Westfield
61	Leominster	06	West Roxbury
11	Lowell	70	Winchendon
13	Lynn	53	Woburn
50	Maiden	62	Worcester
21	Marlborough	57	Wrentham

IMPORTANT TELEPHONE NUMBERS

Alcohol Beverages Control Comm. (ABCC)	(617) 727-3040
Attorney General	(617) 727-2200
Battered Woman's Shelters	(800) 992-2600
Boston Police	(617) 343-4200
Boston Housing Police	(617) 423-1212
M.B.T.A.; Police	(617) 222-5151
Civil Service Comm.	(617) 727-2293
Communicable Diseases, Division of Corrections, Department of	(617) 983-6800
Criminal History Systems Board	(617) 727-0090
Criminal Justice Training Council	(617) 727-7827
Domestic Violence	(800) 333-Safe
Emergency Mgt Agency, MA	(508) 820-2000
Environmental Police (Strike Force 617-556-1000)	(617) 727-3905
Ethics Commission, MA State	(617) 727-0060
Fisheries, Wildlife & Environmental Police	(617) 727-1614
Food & Drug, Div. of	(617) 727-2670
Highway, MA (Permits 508-624-4377)	(617) 973-7500
Insurance Fraud (includes motor vehicle)	(617) 439-0439
M.D.C.	(617) 727-5114
Motor Carrier Safety, Federal	(617) 494-2770
Probation Inquiries, (Fed. 617-223-9188) State	(617) 727-5300
Public Safety, (Sec. 617-727-7775)	(617) 727-3200
Public Utilities (Tucks, buses & driver lic.)	(617) 305-3500
Rape Crisis (Spanish - 617-442-6300)	(617) 492-Rape
Reg. of MV (Title Div. 351-9550) (Lic. 617-351-4500) (Med. Affairs Branch—HP plates, etc. (617-351-9222) (Cert. Copy of lic./reg. Revoke/suspeñd (617) 351-7200) (Commercial MV Info. (617) 351-9262)	(617) 351-2700
State Police (Main -508- 820-2300)	Metro/State (617) 523-1212
Treasury Dept., Federal, ATF	(617) 565-7040
Youth Services, Dept. of	(617) 727-7575

DEFINITIONS - MGL Ch. 90 § 1 (selected text)

The following words used in this chapter shall have the following meanings, unless a different meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the legislature:

“Ambulance” a motor vehicle equipped and used exclusively for the transportation of sick, injured or wounded persons, or a motor vehicle operated by a society incorporated under the laws of the commonwealth for the prevention of cruelty to animals, or for the care and protection of harmless or suffering animals, and used exclusively for the transportation of stray and neglected, sick, injured or wounded animals.

“Auto home” any motor vehicle originally designed or permanently altered and equipped for human habitation which is not used to transport property other than that property used for human habitation or camping purposes. A motor vehicle designed primarily to transport property which has been temporarily altered or equipped for human habitation shall not be deemed to be an auto home.

“Automobile” any motor vehicle except a motor cycle.

“Automobile transporter” any vehicle combination, including a stinger-steered automobile transporter and a low-boy automobile transporter, designed and used specifically for the transport of assembled, capable of being driven, highway vehicles. The highway vehicles being transported may be carried on the power unit on an over-cab rack and behind the cab and on the semi-trailer or low-boy.

“B-train assembly”, a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth wheel connection point for a second semi-trailer in a tractor semi-trailer-semi-trailer unit.

“Bus or motor bus”, any motor vehicle operated upon a public way in any city or town for the carriage of passengers for hire in such a manner as to afford a means of transportation similar to

that afforded by a railway company by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini, or transporting passengers for hire under a charter license, special service or school service permit issued by the department.

“Dealer”, any person who is engaged principally and substantially in the business of buying, selling or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business and, except for a person who exchanges such vehicles on a wholesale basis, is open to the public.

“Department”, the department of highways.

“Licensed private driver school”, a person, partnership or corporation licensed by the registrar to give instruction for hire in the operation of motor vehicles.

“Farmer”, a person substantially engaged in the occupation of farming which shall include, but not be limited to, farming in all its branches, the cultivation and tillage of soil, dairying, the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock, including horses, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals and any practices, including any forestry or lumbering operations performed by a farmer engaged in agriculture or farming as herein defined, or on a farm as an incident to or in connection with such farming operations including, but not limited to, preparations for market, delivery to storage or to market or to carriers for transportation to market.

“Gross vehicle weight rating”, the gross vehicle weight rating established by a manufacturer when applied to a motor vehicle, trailer, semi-trailer or semi-trailer unit, including the gross

combination weight rating, if any, when applied to a semi-trailer unit or to a tractor trailer combination.

“House trailer”, a vehicle having no motive power of its own, originally designed or permanently altered and equipped for human habitation which is not used to transport property other than property used for human habitation or camping purposes. A trailer designed primarily to transport property which has been temporarily altered or equipped for human habitation shall not be deemed to be a house trailer.

“Incompetent person”, a person lacking legal qualification, ability or fitness to operate motor vehicles or to hold a certificate of motor vehicle registration.

“Intersecting way”, any way which joins another at an angle, whether or not it crosses the other.

“Like offense”, as used in sections twenty-four and twenty-four D, shall mean any violation of subparagraph (1) of paragraph (a) of subsection (1) of section twenty-four, or any violation of paragraph (1) of subsection (a) of section eight of chapter ninety B.

“Like violation”, as used in sections twenty-four and twenty-four D, shall mean any violation of subparagraph (1) of paragraph (a) of subsection (1) of section twenty-four, or any violation of paragraph (1) of subsection (a) of section eight of chapter ninety B.

“Low-boy automobile transporter”, a semi-trailer unit in which the trailer is designed and used specifically for the transport or assembled, capable of being driven, highway vehicles. The top surface of the deck platform of such semi-trailer shall not be more than thirty-six inches above the surface on which the wheels of the vehicle rest.

“Motorcycle”, any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including any bicycle with a motor or driving wheel attached, except a tractor or a motor vehicle designed for the carrying of golf clubs and not more than

four persons, an industrial three-wheel truck, a motor vehicle on which the operator and passenger ride within an enclosed cab, or a motorized bicycle.

“Motorized bicycle”, a pedal bicycle which has a helper motor, or a non-pedal bicycle which has a motor, with a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and which is capable of a maximum speed of no more than thirty miles per hour.

“Motor vehicles”, all vehicles constructed and designed for propulsion by power other than muscular power including such vehicles when pulled or towed by another motor vehicle, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley under chapter one hundred and sixty-three or section ten of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven, vehicles running only upon rails or tracks, vehicles used for other purposes than the transportation of property and incapable of being driven at a speed exceeding twelve miles per hour and which are used exclusively for the building, repair and maintenance of highways or designed especially for use elsewhere than on the traveled part of ways, wheelchairs owned and operated by invalids and vehicles which are operated or guided by a person on foot; provided, however, that the exception for trackless trolleys provided herein shall not apply to sections seventeen, twenty-one, twenty-four, twenty-four I, twenty-five and twenty-six. The definition of “Motor vehicles” shall not include motorized bicycles. In doubtful cases, the registrar may determine whether or not any particular vehicle is a motor vehicle as herein defined. If he determines that it should be so classified, he may require that it be registered under this chapter, but such determination shall not be admissible as evidence in any action at law arising out of the use or operation of such vehicle previous to such determination.

“Non-resident”, any person whose legal residence is not within the commonwealth.

“Operator”, any person who operates a motor vehicle or trackless trolley.

“Owner”, a person, other than a lien holder, having title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security and a bailee of any description.

“Persons”, wherever used in connection with the registration of a motor vehicle, all persons who own or control such vehicles as owners, or for the purpose of sale, or for renting, as agents, salesmen or otherwise.

“Police officer” or “officer”, any constable or other officer authorized to make arrest or serve process, provided he is in uniform or displays his badge of office.

“Register number”, the letter or letters, mark or marks, arabic numeral or numerals, or combinations thereof assigned by the registrar to a motor vehicle or trailer.

“Registrar”, the registrar of motor vehicles.

“Repairman”, any person who is principally and substantially engaged in the business of repairing, altering, reconditioning, equipping or towing motor vehicles or trailers for the public and who maintains an established place of business, as defined in this section.

“Right to operate”, the privilege of operating motor vehicles on the ways of the commonwealth conferred by a license issued under section eight, a learner’s permit issued under section eight B, or by reciprocity to nonresidents under sections three and ten, including the right of residents of the commonwealth who are at least sixteen years of age to apply for such license or learner’s permit.

“Routes of reasonable access”, routes of access, as designated by the department as provided in section nineteen G, between the National Network, as defined in section nineteen F, and such terminals, facilities for food, fuel, repair and rest as are located more than one road-mile in distance from the National Network.

“Saddlemount combination”, a combination of vehicles in which a truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism which connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination and when three vehicles are so towed the combination is called a triple saddlemount combination. Such combinations may include one fullmount.

“School bus”, any motor vehicle used for the transportation of school pupils and school personnel to and from school or for the transportation of children enrolled in a camp or recreational program, while so used, but not including any such motor vehicle used for not more than five days in case of emergency or a motor vehicle while also used for the common carriage of the public under a certificate and permit issued under sections seven and eight of chapter one hundred and fifty-nine A, or a motor vehicle having permanent seating accommodations for and carrying not more than eight persons in addition to the operator, or a motor vehicle used to transport vocational students participating in a work project to and from a work site and having permanent seating accommodations for not more than fourteen persons in addition to the operator.

“School pupil”, any person enrolled in any school, kindergarten through grade twelve, or enrolled in any program for day care services, or in any program for children with special needs as defined in section one of chapter seventy-one B, or in any organized day or summer camp program or any activity supported by said schools.

“Stinger-steered automobile transporter”, an automobile transporter configured as a semi-trailer combination wherein the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

“Student”, every person enrolled full time in a school, college or university, but not including any fully registered medical practitioner or any person enrolled in a school, college or university for the purpose of pursuing advanced or postgraduate studies or on the job training under any fellowship program, grant or other program which provides such person with any salary or compensation beyond the actual tuition costs of such schooling. In doubtful cases the registrar may determine whether or not this definition applies.

“Terminal”, any location where: freight either originates, terminates, or is handled in the transportation process; or commercial motor carriers maintain operating facilities.

“Thickly settled or business district”, the territory contiguous to any way which is built up with structures devoted to business, or the territory contiguous to any way where the dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over.

“Trailer”, any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle. It shall not include a pole dolly or pole dickey, so called, nor a pair of wheels commonly used as an implement for other purposes than transportation, nor a portable, collapsible or separate two wheel tow dolly limited only to the purpose of transporting or towing a registered vehicle, nor farm machinery, or implements when used in connection with the operation of a farm or estate, nor any vehicle when towed behind a farm tractor and used in connection with the operation of a farm or estate.

“Antique motor car”, any motor vehicle over twenty-five years old which is maintained solely for use in exhibitions, club activities, parades and other functions of public interest and which is not used primarily for the transportation of passengers or goods over any way, provided that the application for registration thereof is accompanied by an affidavit upon a form

provided by the registrar which shall include a statement of the age and intended use of such motor vehicle.

“Way”, any public highway, private way laid out under authority of statute, way dedicated to public use, or way under the control of park commissioners or body having like powers.

“Certificate of rejection”, a serially numbered, adhesive sticker, device or symbol, as may be prescribed by the registrar indicating a motor vehicle has failed to meet the safety or combined safety and emissions inspection requirements as established by the registrar.

“Certificate of waiver”, a serially numbered device or symbol, as may be prescribed by the registrar, indicating that the requirement of passing the emissions portion of the combined safety and emissions inspection has been waived for a vehicle pursuant to the provisions of this chapter.

“Child passenger restraint”, a device manufactured for the purpose of transporting children under five years of age in a motor vehicle equipped with seat belts in accordance with the provisions of federal laws and regulations, and approved by the United States Department of Transportation pursuant to Federal Motor Vehicle Safety Standard #213.

CHAPTER 3

Recording of Violations on Citations and Disposition of Citations.

MGL Ch. 90C, Generally

MGL Ch. 90C § 1 Definitions

“Civil Motor Vehicle Infraction”, an automobile law violation for which the maximum penalty does not provide for imprisonment, excepting: (a) operation of a motor vehicle in violation of the first paragraph of section ten of chapter ninety; (b) a violation of section twenty-five of chapter ninety; and (c) any automobile law violation committed by a juvenile under the age of seventeen who does not hold a valid operators license.

“Criminal” shall include a delinquency matter under chapter one hundred and nineteen.

“Scheduled assessment”, the amount of the civil assessment for a particular civil motor vehicle infraction, as established jointly by chief justice of the district court department and the registrar. A scheduled assessment shall not exceed the maximum assessment or fine established by law for each such violation. A schedule of such assessments shall be visibly posted in each office of the registry of motor vehicles and in the clerk-magistrate’s office of each district court.

“Violator”, a person, corporation, society, association or partnership accused of an automobile law violation.

MGL Ch. 90C § 2 Citations and Citation Books

Each police chief shall issue citation books to each permanent full-time police officer of his department whose duties may or will include traffic duty or traffic law enforcement, or directing or controlling traffic, and to such other officers as he at his discretion may determine. Each police chief shall obtain a receipt on a form approved by the registrar from such officer to whom a citation book has been issued. Each police chief shall also maintain citation books at police headquarters for the recording of automobile law violations by police officers to whom citation books have not been issued.

Notwithstanding the provisions of any general or special law, other than a provision of this chapter, to the contrary, any police officer assigned to traffic enforcement duty shall, whether or not the offense occurs within his presence, record the occurrence of automobile law violations upon a citation, filling out the citation and each copy thereof as soon as possible and as completely as possible and indicating thereon for each such violation whether the citation shall constitute a written warning and, if not, whether the violation is a criminal offense for which an application for a complaint as provided by subsection B of section three shall be made, whether the violation is a civil motor vehicle infraction which may be disposed of in accordance with subsection (A) of said section three, or whether the violator has been arrested in accordance with section twenty-one of chapter ninety. Said police officer shall inform the violator of the violation and shall give a copy of the citation to the violator. Such citation shall be signed by said police officer and by the violator, and whenever a citation is given to the violator in person that fact shall be so certified by the police officer. The violator shall be requested to sign the citation in order to acknowledge that it has been received. If a written warning is indicated, no further action need be taken by the violator. No other form of notice, except as provided in this section, need be given to the violator.

A failure to give a copy of the citation to the violator at the time and place of the violation shall constitute a defense in any court proceeding for such violation, except where the violator could not have been stopped or where additional time was reasonably necessary to determine the nature of the violation or the identity of the violator, or where the court finds that a circumstance, not inconsistent with the purpose of this section to create a uniform, simplified and noncriminal method for disposing of automobile law violations, justifies the failure. In such case the violation shall be recorded upon a citation as soon as possible after such violation and the citation shall be delivered to the violator or mailed to him at his residential or mail address or to the address appearing on his license or registration as appearing in registry of motor vehicles records. The provisions of the first sentence

of this paragraph shall not apply to any complaint or indictment charging a violation of section twenty-four, twenty-four G or twenty-four L of chapter ninety, providing such complaint or indictment relates to a violation of automobile law which resulted in one or more deaths.

At or before the completion of his tour of duty, a police officer to whom a citation book has been issued and who has recorded the occurrence of an automobile law violation upon a citation shall deliver to his police chief or to the person duly authorized by said chief all remaining copies of such citation, duly signed, except the police officer's copy which shall be retained by him. If the police officer has directed that a written warning be issued, the part of the citation designated as the registry of motor vehicles record shall be forwarded forthwith by the police chief or person authorized by him to the registrar and shall be kept by the registrar in his main office. If the registrar receives three such written warnings to the same offender within any twelve-month period, starting with the date of the first violation, the registrar shall, after due hearing pursuant to section twenty-two of chapter ninety, forthwith suspend the license or right to operate of such person for a period of seven days.

If the police officer has not directed that a written warning be issued and has not arrested the violator, the police chief or a person duly authorized by him shall retain the police department copy of each citation, and not later than the end of the fourth business day after the date of the violation:

- (a) in the case of citations alleging only one or more civil motor vehicle infractions, shall cause all remaining copies of such citations to be mailed or delivered to the registrar; or
- (b) in the case of citations alleging one or more criminal automobile law violations, shall cause all remaining copies of such citations to be delivered to the clerk-magistrate of the district court for the judicial district where the violation occurred. Failure to comply with the provisions of this paragraph shall not constitute a defense to any complaint or

indictment charging a violation of section twenty-four, twenty-four G or twenty-four L of chapter ninety if such violation resulted in one or more deaths. Each clerk-magistrate shall maintain a record in the form prescribed by the chief justice of the district court department of such citations and shall notify the registrar of the disposition of such citations in accordance with the provisions of section twenty-seven of said chapter ninety.

If a citation is spoiled, mutilated or voided, it shall be endorsed with a full explanation thereof by the police officer voiding such citation, and shall be returned to the registrar forthwith and shall be duly accounted for upon the audit sheet for the citation book from which said citation was removed.

MGL c 90C § 9 Disposal of Citation, Copy or Record of Issuance.

It shall be unlawful and official misconduct to dispose of a citation or copies thereof, or of the record of the issuance of same in manner other than as required by the provisions of this chapter.

MGL Ch. 90C § 10 Penalty for Falsification or Disposal of Citation, Copy or Record of Issuance

Whoever knowingly falsifies a citation or copies thereof or a record of the issuance of same, or disposes of such citation, copy, or record in a manner other than as required by the provisions of this chapter, or attempts so to falsify or dispose, or attempts to incite or procure another so to falsify or dispose shall be punished by a fine of not more than five hundred dollars or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.

SCHEDULED ASSESSMENTS FOR CIVIL MOTOR VEHICLE INFRACTIONS

If a **DOLLAR AMOUNT** appears in the last column below, the violation is a CMVI and the amount shown is the scheduled assessment established by the Chief Justice of the District Court and the Registrar of Motor Vehicles. (An * indicates that the scheduled assessment is less than the statutory maximum.)

If “**CRIMINAL AUTO**” appears in the last column below, the violation is a criminal automobile law violation subject to the citation procedure in G.L. c.90C.

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C64E §2	SPECIAL FUELS IN MV WITHOUT LICENSE	\$100
C85 §2	DPW STATE HWAY REGS - SEE 720 CMR §9.03- §9.07	
C85 §2B	DPW HAZARDOUS MATERIALS ON STATE HWAY REGS - SEE 720CMR §8.03	
	DPW LIMITED ACCESS HWAY REGS - SEE 720 CMR §9.08	
	DPW NATIONAL NETWORK REGS - SEE 720 CMR §10.02 - §10.04	
C85 §2E	DPW REGUL EXCLUDING FROM ST HWAY	\$50
C85 §10	MUNICIPAL BYLAW ON PASSAGE VEHS	\$20
	MUNICIPAL BYLAW ON TRANSPORT ANIMAL OFFAL	\$100
C85 §14B	COMM VEH FAIL USE FLARES	\$50
	COMM VEH OP WITHOUT FLARES	
C85 §15	LIGHTS VIOL	\$5
C85 §16	REFUSE GIVE NAME/ADDRESS AT NIGHT	
C85 §19	TRANSPORT DANGEROUS WILD ANIMAL IN VEH	\$20
C85 §20	SPEEDING ON COUNTY BRIDGE IN VIOL BYLAW	\$2
C85 §23	VIOLATE GUBERNATORIAL BY-LAW FOR STATE WAYS	\$50

ASSESSMENT

CHAP/SEC	VIOLATION
C85 §30	INJURY TO SURFACE OF STATE HWAY INJURY TO SURFACE OF COUNTRY WAY INJURY TO SURFACE OF MUNIC WAY VEH + 14/15 TONS ON STATE HWAY VEH + 14/15 TONS ON COUNTY WAY VEH + 14/15 TONS ON MUNICIPAL WAY VEH +800 LBS/INCH ON STATE HWAY VEH +800 LBS/INCH ON COUNTY WAY VEH +800 LBS/INCH ON MUNICIPAL WAY VEH + 10,000 LBS ON ST HWAY OUT OF SEASON VEH + 10,000 LBS ON CTY WAY OUT OF SEASON VEH + 10,000 LBS ON MUNIC WAY OUT OF SEASON HEAVY VEH +6 MPH ON STATE BRIDGE HEAVY VEH +6 MPH ON COUNTY BRIDGE HEAVY VEH +6 MPH ON MUNIC BRIDGE
C85 §30A	HEAVY VEH ON ST HWAY WITHOUT PERMIT STICKER HEAVY VEH ON CTY WAY WITHOUT PERMIT STICKER HEAVY VEH ON MUNIC WAY WITHOUT PERMIT STICKER
C85 §31	VEH + 4 MPH WITH METAL TIRES ON ST HWAY VEH + 4 MPH WITH METAL TIRES ON CTY WAY VEH + 4 MPH WITH METAL TIRES ON MUNIC WAY

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C85 §34	VEH ON BRIDGE + MAX WT	\$200
C85 §35	VEH ON HWY BRIDGE + MAX WT	
C85 §36	SPILLABLE LOAD	
	UNCOVERED LOAD OF SAND / GRAVEL	
C89 §1	FAIL KEEP RIGHT FOR ONCOMING VEH	\$100
C89 §2	FAIL PASS ON LEFT	
	FAIL GIVE WAY TO PASSING VEH	
C89 §4	FAIL KEEP RIGHT WHEN VIEW OBSTRUCTED	
	FAIL OBEY PAVEMENT MARKINGS	
	FAIL KEEP SLOW VEH TO RIGHT ON HILL	
C89 §4A	MARKED LANES VIOL	
	FAIL USE CARE IN PASSING	
	MOTORCYCLE LANES VIOL	
C89 §4B	FAIL DRIVE IN RIGHT LANE	
	BREAKDOWN LANE VIOL	
C89 §4C	HEAVY COMM VEH FAIL DRIVE IN RT LANE	
C89 §7	OBSTRUCT EMERGENCY VEH	
C89 §7A	FAIL PULL OVER FOR EMERGENCY VEH	\$100
	DRIVE OVER FIRE HOSE	
	OBSTRUCT EMERGENCY VEH ACCESS TO FIRE	
	WITHIN 300 FT BEHIND EMERGENCY VEH	

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C89 §8	FAIL YIELD AT INTERSECTION	\$35
	FAIL YIELD ON LEFT TURN	
	RIGHT-ON-RED VIOL	
C89 §9	STOP SIGN/FLASHING RED LT VIOL	\$50
	YIELD SIGN VIOL	
	RED LIGHT VIOL	
	YELLOW LIGHT VIOL	
	BLOCKING INTERSECTION	
C89 §11	FAIL YIELD TO PEDESTRIAN IN CROSSWALK	\$25*
	PASS VEH STOPPED FOR PEDESTRIAN	
	BLOCK CROSSWALK	
C90 §1B	MOPED SPEED VIOL	\$25
	2 ND OFFENSE	\$50
	3 RD OFFENSE	\$100
	MOPED OP WITHOUT LIC	\$25
	2 ND OFFENSE	\$50
	3 RD OFFENSE	\$100
	MOPED ON RESTRICTED HWAY	\$25
	2 ND OFFENSE	\$50
	3 RD OFFENSE	\$100
	MOPED TRAFFIC VIOL	\$25

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
	2 ND OFFENSE	\$50
	3 RD OFFENSE	\$100
	MOPED HELMET VIOL	\$25
	2 ND OFFENSE	\$50
	3 RD OFFENSE	\$100
C90 §2	REGISTRATION STICKER NOT DISPLAYED	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$100
	OFFICIAL PLATE MISUSE	
	HANDICAP PARKING PLATE/PLACARD MISUSE	
C90 §3	NONRESIDENT STUDENT FAIL REGISTER MV	\$50
	NONRESIDENT STUDENT FAIL DISPLAY MV DECAL	
	OP MV REGISTERED ELSEWHERE + 30 DAYS YEAR	\$250
C90 §5A	MILITARY PLATE MISUSE	\$50
C90 §6	NUMBER PLATE MISSING	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	NUMBER PLATE OBSCURED	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	NUMBER PLATE NOT LIT	\$35

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §6, CONT.	2 ND OFFENSE 3 RD OFFENSE	\$75 \$150
C90 §7	BRAKES VIOL 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	MUFFLER VIOL 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	HORN VIOL 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	LOCK VIOL 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	LIGHTS VIOL 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	EMERGENCY FLASHERS VIOL 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	VEH OVERHANG + 4 FT WITHOUT FLAG/LIGHT	\$35

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §7, CONT.	2 ND OFFENSE 3 RD OFFENSE COMM VEH REFLECTOR VIOL	\$75 \$150 \$35
	2 ND OFFENSE 3 RD OFFENSE	\$75 \$150
	MIRROR VIOL	\$35
	2 ND OFFENSE 3 RD OFFENSE	\$75 \$150
	MUD GUARDS VIOL	\$35
	2 ND OFFENSE 3 RD OFFENSE	\$75 \$150
	SEAT BELT MISSING	\$35
	2 ND OFFENSE 3 RD OFFENSE	\$75 \$150
	HAZARD LIGHTS VIOL	\$35
	2 ND OFFENSE 3 RD OFFENSE	\$75 \$150
	MOTORCYCLE HELMET VIOL	\$35
	2 ND OFFENSE 3 RD OFFENSE	\$75 \$150
	MOTORCYCLE GOGGLES VIOL	\$35

<i>CHAP/SEC.</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §7, CONT.	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	DUMP TRUCK WITHOUT AUDIBLE ALARM WHEN RAISED	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	SOLO MOTORCYCLE CARRY PASSENGER	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	MOTORCYCLE DRIVER BEHIND PASSENGER	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	FLAMMABLES TANK CARRIER W/O AUDIBLE ALARM	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	TRAILER WITHOUT SAFETY CHAINS	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	FAIL USE SLOW MOVING EMBLEM	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §7A	SEE C90 §20	

<i>CHAP/SEC.</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §7B	SCHOOL BUS OVERCROWDED	CRIMINAL AUTO \$35
	SCHOOL BUS EQUIPMENT VIOL	\$75
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	SCHOOL BUS DOORS OPEN WHILE IN MOTION	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	SCHOOL BUS OP WITHOUT PROPER LIC	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	SCHOOL BUS FUELING WHILE OCCUPIED	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	SCHOOL BUS BOARD/DISCHARGE IMPROPERLY	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	SCHOOL BUS DRIVER WITHOUT SEATBELT	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	SMOKING ON SCHOOL BUS IN USE	\$35
	2 ND OFFENSE	\$75

<i>CHAP/SEC.</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §7B, CONT.	3 RD OFFENSE CONSUME ALCOHOL ON SCHOOL BUS IN USE 2 ND OFFENSE 3 RD OFFENSE SCHOOL BUS DRIVER FAIL CONDUCT PRETRIP INSPECTION 2 ND OFFENSE 3 RD OFFENSE	\$150 \$35 \$75 \$150 \$35 \$75 \$150 \$150
C90 §7C	<i>RMV SCHOOL BUS EQUIPMENT REGS - SEE 540 CMR §7.00</i>	
C90 §7D	PUPIL TRANSPORT VEH OVERCROWDED PUPIL TRANSPORT VEH VIOL 2 ND OFFENSE 3 RD OFFENSE	CRIMINAL AUTO \$35 \$75 \$150 \$35
C90 §7D 1/2	VOC SCHOOL TRANSPORT VIOL 2 ND OFFENSE 3 RD OFFENSE	\$75 \$75 \$150 \$35
C90 §7E	RED/BLUE LIGHT WITHOUT AUTHORITY RED/BLUE LIGHT WITHOUT PERMIT IN POSS	\$300
C90 §7I	DISASTER VEH MISUSE SIREN/LIGHT 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150 \$25
C90 §7J	MOTORCYCLE HANDLEBARS HEIGHT VIOL	

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §7J, CONT.	SUBSEQUENT OFFENSE	\$50
C90 §7L	SCHOOL BUS OP WITH STANDEES	\$500
	OP MV WITH MODIFIED HEIGHT	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §7Q	TIRE TREAD DEPTH VIOL	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §7R	FAIL DISPLAY VIN	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §7U	OP MOTORCYCLE + 82/86 DECIBELS	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	OP MOTORCYCLE + 103 DECIBELS	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 @7W	<i>RMV REGS FOR LICENSING MV INSPECTION STATIONS - SEE 540 CMR</i>	
	§4.08	

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §7AA	CHILD UNDER 6 WITHOUT RESTRAINTS	\$25 “provided however, that such fine may be waived if the court is satisfied that the defendant has purchased a child passenger restraint.”
C90 §7CC	CHILD 6-12 WITHOUT SEAT BELT	\$25
C90 §8	SPECIAL NEEDS STUDENTS VEH FAIL ID OWNER	\$100
	OP MV IN VIOL LICENSE RESTRICTION	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	OP CLASS OF MV FOR WHICH NOT LICENSED	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	MILITARY STATUS CHANGE NOT REPORTED TO RMV	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §8A 1/2	TRANSPORT PUPILS WITHOUT LIC	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §8B	LEARNERS PERMIT OP WITHOUT ADULT	\$35

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §8B CONT	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	LEARNERS PERMIT OP MOTORCYCLE	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	LEARNERS PERMIT OP MOTORCYCLE AT NIGHT	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	LEARNERS PERMIT UNDER 18 OP AT NIGHT W/O PARENT	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §9	UNREGISTERED MV/TRAILER	\$100
	SUBSEQUENT OFFENSE	\$1000
	MV/TRAILER WITHOUT NUMBER PLATE	\$100
	SUBSEQUENT OFFENSE	\$1000
	MV WITH IMPROP EQUIP	\$100
	SUBSEQUENT OFFENSE	\$1000
C90 §9A	MV WITHOUT SAFETY GLASS	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §9D	OBSTRUCTED MV WINDOW NONTRANSPARENT MV WINDOW	\$250
C90 §10	UNLICENSED OP OF MV <i>OP AFTER LICENSE SUSPENSION - SEE C90 §23</i>	CRIMINAL AUTO
C90 §11	LICENSE NOT IN POSSESSION 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	REGISTRATION NOT IN POSSESSION 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	FAIL SHOW LIC & REGIS AFTER ACCIDENT 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
C90 §12	EMPLOY UNLIC CHAUFFEUR 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
	ALLOW IMPROPER OP OF MV. 2 ND OFFENSE 3 RD OFFENSE	\$35 \$75 \$150
C90 §13	OP MV WHILE IMPEDED	\$35

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §13	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	LEAVE RUNNING MV UNATTENDED	
	2 ND OFFENSE	\$35
	3 RD OFFENSE	\$75
	FAIL SET BRAKE	\$150
	2 ND OFFENSE	\$35
	3 RD OFFENSE	\$75
	FAIL REMOVE KEY FROM VEH	\$150
	2 ND OFFENSE	\$35
	3 RD OFFENSE	\$75
	FAIL USE CHOCK BLOCKS	
	2 ND OFFENSE	\$35
	3 RD OFFENSE	\$75
	TV VISIBLE TO MV OPERATOR	
	2 ND OFFENSE	\$35
	3 RD OFFENSE	\$75
	MOTORCYCLE WITH IMPROPER SEAT	
	2 ND OFFENSE	\$35
	3 RD OFFENSE	\$75
	PICK-UP TRUCK WITH CHILD UNDER 12 IN BODY	\$150
		\$35

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	PERMIT PERSON HANG ONTO VEH	
	2 ND OFFENSE	\$35
	3 RD OFFENSE	\$75
	HEADPHONES ON MV OPERATOR	
	2 ND OFFENSE	\$150
	3 RD OFFENSE	\$35
	FAIL STOP MV FOR FRIGHTENED COW/HORSE	
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	FAIL SLOW FOR BICYCLIST	
	2 ND OFFENSE	\$35
	3 RD OFFENSE	\$75
	FAIL SLOW FOR STOPPED STREET RAILWAY	
	2 ND OFFENSE	\$150
	3 RD OFFENSE	\$35
	FAIL STOP FOR SCHOOL BUS	
	2 ND OFFENSE	\$200
	3 RD OFFENSE	\$400
C90 § 14	FAIL SLOW FOR PEDESTRIAN	
		\$1000
		\$35.

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §14 CONT	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	FAIL SLOW WHEN VIEW OBSTRUCTED	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	FAIL SLOW AT INTERSECTION	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	IMPROPER RIGHT TURN	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	IMPROPER LEFT TURN	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §14A	FAIL STOP FOR BLIND PEDESTRIAN	\$100
C90 §14B	FAIL SIGNAL BEFORE STOP/TURN	\$25
C90 §15	RR CROSSING - FAIL SLOW	\$200
	RR CROSSING - SCHOOL BUS FAIL STOP	
	RR CROSSING - INFLAMMABLE LOAD FAIL STOP	
	RR CROSSING - FAIL STOP FOR LIGHT/GATE	
C90 §16	MV WHERE EXCLUDED	\$50*

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §16 CONT	MUFFLER MISSING/NOISY	
	EXHAUST ALTERED	
	UNNECESSARY MV NOISE	
	SMOKE/POLLUTANTS FROM MV	
	SIREN IMPROP	
	SPOT LIGHT IMPROP	\$50
	STUDDDED TIRES	\$100
C90 §16A	RUN ENGINE OF STOPPED MV +5 MINS	\$250*
	SUBSEQUENT OFFENSE	
C90 §17	SPEEDING	\$50, plus \$10 for each M.P.H. in excess of 10 M.P.H. over limit
	SPEEDING WHILE OVERWEIGHT IN VIOL. PERMIT	\$100
	2 ND OFFENSE	\$150
	3 RD OFFENSE	\$300
	SCHOOL BUS + 40 MPH	\$50, plus \$10 for each M.P.H. over 50 M.P.H
C90 §18	SPEEDING IN VIOL SPECIAL REGUL	\$50, plus \$10 for each M.P.H. in excess of 10 M.P.H. over limit
	MV WHERE EXCLUDED	\$35

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §18 CONT	2 ND OFFENSE	\$75
C90 §19	3 RD OFFENSE	\$150
	WIDTH VIOL MV/TRAILER	\$100
	LENGTH VIOL MV/TRAILER	
	TIRE OUTSIDE MV FENDER	
	HEIGHT VEH + 13'6"	
	MV WITHOUT HEIGHT MARKINGS	
	OP TRAILER + 5000 LBS	
	CRANE/BOOM + 4 FT WITHOUT RED LT/FLAG	
	CRANE/BOOM + 15 FT WITHOUT FOLLOW CAR	
	MV PULL MORE THAN ONE TRAILER/VEH	
C90 §19A	REFUSE TO BE WEIGHED	\$500
	OVERWEIGHT VEH	\$40 per 1000 lbs, or fraction thereof overweight up to 10,000 lbs; \$80 per 1000 lbs or fraction overweight over 10,000 lbs.
	OVERWEIGHT IRREDUCIBLE LOAD	\$10 per 1000 lbs, or fraction thereof overweight, but not more than \$500
C90 §19C	DRIVE AWAY VEH/S + 55 FT LONG	\$35
	2 ND OFFENSE	\$75

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §19C CONT	3 RD OFFENSE	\$150
	DRIVE AWAY VEH'S IMPROPERLY COMBINED	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	DRIVE AWAY VEH'S WITH IMPROP MARKED SADDLE MOUNT	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §19D	SPECIAL PERMITTEE FAIL PRODUCE GVW CERTIF	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	FAIL REMOVE REVOKED PERMIT STICKER	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §19E	OVERWEIGHT VEH IN VIOL FED LAW	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §19G	DPW NATIONAL NETWORK REGS - SEE 720 CMR § 10.00	
C90 §20	VEH NOT MEETING RMV SAFETY STANDARDS	\$25
	NO INSPECTION OR STICKER NOT DISPLAYED	\$50
	SCHOOL BUS NO INSPECTION OR STICKER NOT DISPLAYED	

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §23	OP MV WITH SUSPENDED/REVOKE LICENSE SUBSEQUENT OFFENSE OP MV WITH SUSPENDED/REVOKE REGISTRATION	CRIMINAL AUTO
	SUBSEQUENT OFFENSE EXHIBIT ANOTHER'S LICENSE	
	SUBSEQUENT OFFENSE NUMBER PLATE WRONG TO CONCEAL ID	
	NUMBER PLATE OBSCURED TO CONCEAL ID	
	NUMBER PLATE NOT DISPLAYED TO CONCEAL ID	
	OP MV AFTER LICENSE REVOKED AS HTO	
	OP MV AFTER LIC SUSP/REVOKED FOR OUI	
	OUI-LIQUOR	
	2 ND OFFENSE	
	3 RD OFFENSE	
	4 TH OFFENSE	
	OUI-DRUGS	
	2 ND OFFENSE	
	3 RD OFFENSE	
	4 TH OFFENSE	
	OP MV RECKLESSLY	
	OP MV NEGLIGENTLY SO AS TO ENDANGER	
C90 §24(2)		

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §24(20) CONT	RACING MV LEAVE SCENE OF PROPERTY DAMAGE LEAVE SCENE OF PERSONAL INJURY	
C90 §24G	MV HOMICIDE OUI-LIQUOR & RECKLESS MV HOMICIDE OUI-LIQUOR & NEGLIGENT	
	MV HOMICIDE OUI-DRUGS & RECKLESS MV HOMICIDE OUI-DRUGS & NEGLIGENT	
	MV HOMICIDE OUI-LIQUOR MV HOMICIDE OUI-DRUGS	
	MV HOMICIDE OUI-BY RECKLESS OPERATION MV HOMICIDE OUI-BY NEGLIGENT OPERATION	
C90 §24I	DRINK ALCOHOL FORM OPEN CONTAINER WHILE OP MV	\$500
C90 §24L(1)	OUI-LIQUOR & RECKLESS WITH SERIOUS INJURY OUI-LIQUOR & NEGLIGENT WITH SERIOUS INJURY	CRIMINAL AUTO
	OUI-DRUGS & RECKLESS WITH SERIOUS INJURY OUI-DRUGS & NEGLIGENT WITH SERIOUS INJURY	
C90 §24L(2)	OUI-LIQUOR WITH SERIOUS INJURY OUI-DRUGS WITH SERIOUS INJURY	
C90 §25	REFUSE GIVE NAME/ADDRESS TO POLICE FALSE NAME/ADDRESS TO POLICE	

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §25 CONT	FAIL STOP MV FOR POLICE	
	REFUSE PRODUCE LICENSE/REGISTRATION	
	REFUSE SIGN NAME FOR POLICE	
C90 §26	FAIL FILE ACCIDENT REPORT	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §26A	FAIL NOTIFY RMV OF NAME/ADDRESS CHANGE	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §31	<i>RMV REGULATIONS - SEE 540 CMR</i>	
C90 §31A	<i>DPW REGS ON TRANSPORTING PERSONALITY - SEE 540 CMR §2.22</i>	
C90 §32C	LEASE VEH TO INTOXICATED DRIVER	
	LEASE VEH WITHOUT SEEING OP LICENSE	
C90 §32E	LEASE VEH LESSEE ALLOW UNAUTH PERSON OP	
	LEASE VEH LESSOR FAIL MAINTAIN INSURANCE	
C90 §32G	DRIVING SCHOOL USE NON COMPLYING MV/SEMI	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	DRIVING SCHOOL FAIL USE SEAT BELTS	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90 §32I	REPAIR PLATE DOCS NOT IN OP'S POSSESSION	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
C90 §34J	UNINSURED VEH OP ON WAY	CRIMINAL AUTO
	UNINSURED VEH REMAIN ON WAY	
C90B §21	REC/SNOW VEH UNREGISTERED	\$25*
C90B §22	REC/SNOW VEH OWNER FAIL REPORT ADDRESS CHANGE	
	REC/SNOW VEH OPERATOR WITHOUT REGIS IN POSS	
	REC/SNOW VEH OPERATOR FAIL PRODUCE REGIS	
C90B §23	REC/SNOW VEH TRANSFER UNREPORTED	
C90B §24	REC/SNOW VEH WITH IMPROPER EQUIPMENT	
	REC/SNOW VEH BRAKE VIOL	
	REC/SNOW VEH SLED/TRAILER WITHOUT REFLECTOR	
	REC/SNOW VEH WITH EXCESS NOISE/FUMES	
	SNOW VEH NOISE VIOL	
C90B §25	REC/SNOW VEH ON PUBLIC WAY	CRIMINAL AUTO
	REC/SNOW VEH OP TO ENDANGER	
	REC/SNOW VEH DAMAGE GROWING STOCK	
	REC/SNOW VEH ACROSS HWAY BY OPER UNDER 16 1/2	
	REC/SNOW VEH BY UNSUPERVISED OPERATOR UNDER 14	
	REC/SNOW VEH HELMET VIOL	
C90B §26		\$75*

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
C90B §26 CONT	REC/SNOW VEH HARASS WILDLIFE	
	REC/SNOW VEH OUI-LIQUOR	
	REC/SNOW VEH OUI-DRUGS	\$100
	REC/SNOW VEH OP CARRY FIREARM	
C90B §27	REC/SNOW VEH FAIL REPORT ACCIDENT	\$50
C90B §29	DLE REGS FOR REC/SNOW VEH - SEE 323 CMR §3.00	
C90B §32	REC/SNOW VEH OP FAIL STOP FOR OFFICER	\$50
C90 §33	SNOWMOBILE OP REFUSE ID/LEAVE	\$50
C148 §54	CIGARETTE/MATCH THROWN FROM VEH	
C161 §94	OBSTRUCT RR/MBTA CAR/TROLLEY W/MV	
	OBSTRUCT RR/MBTA CAR/TROLLEY W/MV TO ENDANGER	
C266 §121A	TRESPASS WITH MV	\$250
C272 § 80H	FAIL REPORT MV INJURY TO DOG/CAT	\$50
	DLE REGS FOR RECREATION & SNOW VEHICLES	
323 CMR §3.03	REC/SNOW VEH OP UNDERAGE	\$100
	REC/SNOW VEH WITHOUT LANDOWNER'S OK	
	REC/SNOW VEH IN 300 FT OF RESIDENCE	
	REC/SNOW VEH SPEEDING	
	REC/SNOW VEH PASSING VIOL	
	REC/SNOW VEH FAIL KEEP RIGHT	
	REC/SNOW VEH OP 11PM-6AM	

REC/SNOW VEH OP PUBLIC LAND W/O SNOW COVER

§323 CMR
CONT.

REC/SNOW VEH REMOVE/DAMAGE LANDOWNER'S PROP

REC/SNOW VEH OP ON PUBLIC LAND

REC/SNOW VEH MOLEST ANIMAL

REC/SNOW VEH DAMAGE BEACH DUNE

REC/SNOW VEH IN WETLAND

REC/SNOW VEH IN RACE/RALLY

SNOW VEH REGIS NUMBER NOT DISPLAYED

REC VEH REGIS NUMBER NOT DISPLAYED

REC/SNOW VEH PLATE OBSCURED

REC/SNOW VEH UNAUTH STICKER/NUMBER PLATE

REC/SNOW VEH LIGHTS VIOL

REC/SNOW VEH BRAKES VIOL

REC/SNOW VEH MUFFLER VIOL

REC/SNOW VEH SPARK ARRESTOR VIOL

MDC RESERVATIONS & PARKWAYS REGS

MDC-REC/SNOW VEH/MCYCLE ON CASTLE ISLAND

MDC-VEH OFF AUTH ROAD ON CASTLE ISLAND

MDC-VEH OGG AUTH ROAD IN WOLLASTON BEACH RESR

350 CMR
§2.12

MDC-VEH ROAD IN WOLLASTON BEACH RESR

MDC-REC/SNOW VEH/MCYCLE IN BELLE ISLE MARSH RESR
§2.13

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
350 CMR §2.13	MDC-VEH OFF AUTH ROAD IN BELLE ISLE MARSH RESERVE	
350 CMR §2.14	MDC-REC/SNOW VEH/MCYCLE IN BLUE HILLS RESERVE	
350 CMR §2.15	MDC-VEH OFF AUTH ROAD IN BLUE HILLS RESERVE MDC-REC/SNOW VEH/MCYCLE IN BREAKHEART RESERVE	
350 CMR §2.16	MDC-VEH OFF AUTH ROAD IN BREAKHEART RESERVE MDC-REC/SNOW VEH/MCYCLE IN MIDDLESEX FELLS RESR	
350 CMR §4.01	MDC-VEH OFF AUTH ROAD IN MIDDLESEX FELLS RESERVE MDC TRAFFIC RULES FOR MDC WAYS MDC WAY-SIGN/SIGNAL/MARKS VIOL	\$100*
	MDC WAY- SPEEDING	\$50 plus \$10 for each M.P.H. in excess of 10 M.P.H. over limit
	MDC WAY - FAIL KEEP RIGHT	\$100*
	MDC WAY - FAIL SIGNAL BEFORE STOP/TURN/BACK	\$25*
	MDC WAY - FAIL STOP/POSITION VEH AS DIRECTED	\$200
	MDC WAY - STOP SIGN VIOL	\$50*
	MDC WAY - RED LIGHT VIOL	
	MDC WAY -FAIL YIELD	
	MDC WAY - FAIL YIELD TO PEDESTRIAN IN CROSSWALK	
	MDC WAY - PASS VEH STOPPED FOR PEDESTRIAN	
	MDC WAY - TRUCK/BUS LIMITED TO PLEASURE VEHIS	\$200

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
350 CMR §4.01	MDC WAY - VEH + 10 TONS	
350 CMR §8.01	<i>MDC REGS FOR LAND WITHIN WATERSHED RESERVATIONS</i>	
	MDC WATERSHED RESERVE - VEH OFF AUTH ROAD	CRIMINAL AUTO
540 CMR §2.08	<i>RMV REGS FOR MOTORCYCLE HANDLEBARS - SEE C90 §7J</i>	
540 CMR §2.12	<i>RMV MOTOR VEH REGS</i>	
	FAIL DIM LIGHTS	\$35
	2 ND OFFENSE	\$75
	3 RD OFFENSE	\$150
	AUXILIARY/FOG LIGHTS USED IMPROP	\$35
540 CMR §2.12 CONT	<i>2ND OFFENSE</i>	\$75
	3 RD OFFENSE	\$150
540 CMR §2.22	TRUCK OWNER'S NAME NOT DISPLAYED	\$1000
	CONVEY PERSONAL PROPERTY + 500 LBS/INCH	
	COMM MV CONVEY PERSONAL PROPERTY OVERWEIGHT	
540 CMR §2.27	LEASE MOTORCYCLE WITHOUT REAR VIEW MIRROR	\$25
	LEASE MOTORCYCLE WITHOUT INSPECTING LESSEE'S LIC	
	LEASE MOTORCYCLE WITHOUT REGIS CERTIFICATE	
	LEASE MOTORCYCLE WITHOUT NUMBER PLATES	
	LEASED MOTORCYCLE OP WITH IMPROPER EQUIP	

<i>CHAP/SEC</i>	<i>VIOLATION</i>		<i>ASSESSMENT</i>
540 CMR §2.27 CONT.	LEASE MOTORCYCLE WITH IMPROPER EQUIP		
	OP UNINSPECTED LEASED MOTORCYCLE		
	LEASE UNINSPECTED MOTOR CYCLE		
	LEASE MOTORCYCLE WITHOUT INSPECTION STICKER		
	LEASE MCYCLE WITHOUT LESSEE SHOWING COMPETENCE		
540 CMR §4.04	RMV REGS FOR TIRE TREAD DEPTHS - SEE C90 §7Q		
	<i>RMV REGS ON HAZARDOUS MATERIALS TRANSPORTATION</i>		
540 CMR §14.03	VIOL RMV/FED REGS TRANSPORT HAZ MATERIALS	\$500	
	<i>DPW REGS FOR STATE HIGHWAYS</i>		
720 CMR §8.03	ST HWAY - VIOL DPW/FED REGS TRANSPORT HAZ MATS	\$500	
720 CMR §9.03	ST HWAY - PARKING	\$5	
	5 TH OFFENSE	\$10	
720 CMR §9.05	ST HWAY - ONE-WAY VIOL	\$20	
	ST HWAY - ROTARY WRONG WAY		
720 CMR §9.06	ST HWAY - MARKED LANES VIOL		
	ST HWAY - FAIL DRIVE IN RIGHT LANE		
	ST HWAY - IMPROPER PASSING		
	ST HWAY - PASSING WITHOUT CLEAR SPACE		
	ST HWAY - FAIL GIVE WAY TO PASSING VEH		
	ST HWAY - OBSTRUCT TRAFFIC		
	ST HWAY - BLOCK INTERSECTION		

CHAP/SEC	VIOLATION	ASSESSMENT
720 CMR §9.06 CONT.	ST HWAY - FOLLOW TOO CLOSELY ST HWAY - FOLLOW SLOW VEH WITHIN 200 FT ST HWAY - FAIL USE CARE START/STOP/TURN/BACK ST HWAY - FAIL YIELD ST HWAY - YELLOW LIGHT VIOL ST HWAY - RED LIGHT VIOL ST HWAY - RED & YELLOW LIGHT VIOL ST HWAY - FLASHING RED LIGHT VIOL ST HWAY - FLASHING YELLOW LIGHT VIOL ST HWAY - LANE DIRECTION CONTROL VIOL ST HWAY - LANE CONTROL VIOL ST HWAY - STOP SIGN VIOL ST HWAY - YIELD SIGN VIOL ST HWAY - FAIL SOUND HORN ST HWAY - FAIL KEEP RIGHT OF DIVIDER ST HWAY - UNDER/OVERPASS SIGN/SIGNAL/MARKS ST HWAY - ISLAND SIGN/SIGNAL/MARKS ST HWAY - CLOSED TO TRAVEL ST HWAY - DRIVE ON SIDEWALK ST HWAY - ENTER IMPROP ST HWAY - PROHIBITED TURN	

<i>CHAP/SEC</i>	<i>VIOLATION</i>	<i>ASSESSMENT</i>
720 CMR §9.06 CONT.	ST HWAY - CHANNELIZING ISLAND VIOL	
	ST HWAY - SIGN/SIGNAL/MARKINGS VIOL	
	ST HWAY - FAIL SLOW FOR MENEQUIPMENT	
	ST HWAY - U-TURN VIOL	
	ST HWAY - FAIL YIELD TO PEDESTRIAN IN CROSSWALK	
	ST HWAY - BLOCK CROSSWALK	
	ST HWAY - ENDANGER PEDESTRIAN	
	ST HWAY - FAIL OBEY POLICE DIRECTIONS	
	ST HWAY - SIGN/SIGNAL/MARKING VIOL	
<i>DPW LIMITED ACCESS HIGHWAY REGS</i>		
720 CMR §9.08	ST HWAY - BACK ON/OFF RAMP	\$20
	FITZGERALD EXPWY TUNL - HAZARDOUS MAT	\$500
	FITZGERALD EXPWY TUNL - HAZ MAT EMPTY TANK	
	FITZGERALD EXPWY TUNL - TOO-TALL CRANE	\$20
	FITZGERALD EXPWY TUNL - CRANE WITHOUT FOLLOW CAR	
<i>DPW NATIONAL NETWORK REGS</i>		
720 CMR §10.02	NATL NETWORK - VIOL DPW RESTRICTION	\$500

SPEEDING ASSESSMENT CALCULATION CHART

55 MPH Speed Limit	Number of MPH Over Limit	Head Injury Assessment	Total Civil Assessment
56-65 MPH	1-10	\$25.00	\$75.00
66 MPH	11	\$25.00	\$85.00
67 MPH	12	\$25.00	\$95.00
68 MPH	13	\$25.00	\$105.00
69 MPH	14	\$25.00	\$115.00
70 MPH	15	\$25.00	\$125.00
71 MPH	16	\$25.00	\$135.00
72 MPH	17	\$25.00	\$145.00
73 MPH	18	\$25.00	\$155.00
74 MPH	19	\$25.00	\$165.00
75 MPH	20	\$25.00	\$175.00
76 MPH	21	\$25.00	\$185.00
77 MPH	22	\$25.00	\$195.00
78 MPH	23	\$25.00	\$205.00
79 MPH	24	\$25.00	\$215.00
80 MPH	25	\$25.00	\$225.00
81 MPH	26	\$25.00	\$235.00
82 MPH	27	\$25.00	\$245.00
83 MPH	28	\$25.00	\$255.00
84 MPH	29	\$25.00	\$265.00
85 MPH	30	\$25.00	\$275.00
86 MPH	31	\$25.00	\$285.00
87 MPH	32	\$25.00	\$295.00
88 MPH	33	\$25.00	\$305.00
89 MPH	34	\$25.00	\$315.00
90 MPH	35	\$25.00	\$325.00
91 MPH	36	\$25.00	\$335.00
92 MPH	37	\$25.00	\$345.00
93 MPH	38	\$25.00	\$355.00
94 MPH	39	\$25.00	\$365.00
95 MPH	40	\$25.00	\$375.00
96 MPH	41	\$25.00	\$385.00
97 MPH	42	\$25.00	\$395.00
98 MPH	43	\$25.00	\$405.00
99 MPH	44	\$25.00	\$415.00
100 MPH	45	\$25.00	\$425.00



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